Washington, Friday, February 20, 1953

# TITLE 9-ANIMALS AND ANIMAL PRODUCTS

Chapter I-Bureau of Animal Industry, Department of Agriculture

Subchapter C-Interstate Transportation of Animals and Poultry

[B. A. L. Order 383, Amdt. 6]

PART 76-HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the Act of March 3, 1905, as amended (21 U.S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U.S.C. 111 and 120) and section 7 of the Act of May 29, 1884, as amended (21 U.S. C. 117) § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 Notice and quarantine. (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Maricopa County in Arizona;

The State of California;

Hartford, Litchfield, and New Haven Counties, in Connecticut:

Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, and Worcester Counties, in -Massachusetts:

City of Baltimore, Md., De Soto County, in Mississippi;

Jefferson County, in Missouri;

Bergen, Burlington, Camden, Gloucester, Hudson, Middlesex, Morris, and Ocean Counties, in New Jersey.

Albany and New York Counties and Clarks-

town Township, in Rockland County, in New

Council Grove, Mustang, Oklahoma, and Greeley Townships, in Oklahoma County, in Oklahoma;

Linn and Multnómah Counties, in Oregon; Bucks, Delaware, Lehigh, and York Counties, in Pennsylvania:

Bristol and Providence Counties, in Rhode Island;

Pierce and Whatcom Counties, in Washing-

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious. infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jercey; Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Maricopa County, in Arizona; Litchfield County, in Connecticut; Androscoggin County, in Maine; Plymouth and Worcester Countles, in Massachusetts;

De Soto County, in Micsicsippi; Linn and Multnomah Counties, in Oregon; Pierce and Whatcom Counties, in Wash-

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with the respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Jackson and St. Louis Counties, in Mis-

Bexar County, in Texas.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the

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spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Precedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the Federal Resister.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sees. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 3, 33 Stat. 1264, 1265, as amended; 21 U. S. C. 117, 120, 123, 125)

Done at Washington, D. C., this 16th day of February, 1953.

[SEAL] EZRA TAFT BENEON, Secretary of Agriculture.

[F. R. Doc. 53-1687; Filed, Feb. 19, 1953; 8:48 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trado Commission
(Docket 5977)

PART 3—DIGEST OF CEASE AND DESIST ORDERS

# MUELLER HAIR EXPERTS

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections: Personnel or staff: Qualifications and abilities; § 3.20 Comparative data or merits; § 3.90 History of product or offering; § 3.170 Qualities or properties of product or service. In connection with the offering for sale or sale of treatments of the hair and scalp in which various specified cosmetic and other preparations are used; or in connection with the sale, offering for sale or distribution of various specified cosmetic and other preparations for use in the treatment of conditions of the hair and

scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertise-ments by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that the use of said preparations by purchasers in their homes, or that treatments of the hair or scalp by respondent or his operators in which the various cosmetic and other preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, will (1) have any effect in preventing or overcoming baldness; (2) cause hair to grow thicker in spots where it is thin; (3) cause "fuzz" to be replaced by normal hair; (4) cause the hair growing functions of the scalp to be rejuvenated; (5) kill bacteria beneath the scalp; (6) cause the scalp to be energized to grow new hair: (7) cause the permanent elimination of dandruff, itching, dryness or oil-iness of the scalp; or (8) cure all scalp disorders, keep the hair healthy or enable an individual to maintain a thick head of hair; (b) that respondent's preparations are dissimilar to preparations used by competitors; and, (c) that respondent's preparations are the result of discoveries made during the last war, or discoveries of recent years; or disseminating, etc., any advertisement, by any means, for the purpose of inducing, or which is likely to induce, etc., the purchase of said preparations in commerce, which advertisement represents, directly or by implication, that respondent or any of his employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists, or heir scientists, or that respondent has, or has had, experts in chemistry in his employ prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sidney J. Mueller trading as Mueller Hair Experts, Houston, Texas, Docket 5977, December 2, 1952]

### In the Matter of Sidney J. Mueller Trading as Mueller Hair Experts

This proceeding was instituted by complaint which charged respondent with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated December 3, 1952, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding. entered of record, following the findings as to the facts' and conclusion, reads as follows:

It is ordered, That the respondent Sidney J. Mueller, an individual trading as Mueller Hair Experts or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of treatments of the hair and scalp in which the various cosmetic and other preparations, as set out in the findings herein, are used: or in connection with the sale, offering for sale or distribution of the various cosmetic and other preparations as set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

I. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by

implication:

(a) That the use of said preparation by purchasers in their homes, or that treatments of the hair and scalp by respondent or his operators in which the various cosmetic and other preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, will:

(1) Have any effect in preventing or overcoming baldness,

(2) Cause hair to grow thicker in spots where it is thin,

(3) Cause "fuzz" to be replaced by normal hair,

(4) Cause the hair growing functions of the scalp to be rejuvenated,

(5) Kill bacteria beneath the scalp.

(6) Cause the scalp to be energized to grow new hair,

(7) Cause the permanent elimination of dandruff, itching, dryness or oiliness of the scalp,

(8) Cure all scalp disorders, keep the hair healthy or enable an individual to maintain a thick head of hair;

(b) That respondent's preparations are dissimilar to preparations used by competitors;

(c) That respondent's preparations are the result of discoveries made during the last war, or discoveries of recent

II. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act. which advertisement contained any of the representations prohibited in subparagraphs (a) through (c) of Paragraph I hereof or which represents, directly or by implication, that respondent or any of his employees who have not

Said order to cease and desist, thus - had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists, or hair scientists, or that respondent has, or has had, experts in chemistry in his employ.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: December 3, 1952.

By direction of the Commission.

[SEAL]

D. C. DANIEL, Secretary.

[F. R. Doc. 53-1694; Filed, Feb. 19, 1953; 8:49 a. m.]

[Docket 5976]

PART 3-DIGEST OF CEASE AND DESIST ORDERS

JUVENILE SHOE CORP. OF AMERICA

Subpart-Advertising falsely or misleadingly: § 3.170 Qualities or properties of product or service. Subpart-Misbranding or mislabeling: § 3.1290 Qualities or properties. In connection with the offering for sale, sale or distribution in commerce, of respondent's shoes designated "Lazy Bones" or any other shoe of similar construction, irrespective of the designation applied thereto, representing, (1) that the wearing of said shoes will massage the feet, or the arches or muscles thereof; (2) that the wearing of said shoes will stimulate or exercase the muscles or arches of the feet; or, (3) that the wearing of said shoes will help children's feet to develop healthily or will help to keep them healthy; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Juvenile Shoe Corporation of America, St. Louis, Mo., Docket 5976, November 13, 1952]

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondent's answer thereto, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint were introduced before said exammer, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel in support of the complaint and counsel for the respondent, oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 13, 1952.

The said order to cease and desist is as follows:

It is ordered. That the respondent. The Juvenile Shoe Corporation of America, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of re-spondent's shoes designated "Lazy Bones" or any other shoe of similar construction, irrespective of the designation applied thereto, do forthwith cease and desist from representing, directly or by implication:

(1) That the wearing of said shoes will massage the feet, or the arches or muscles thereof;

(2) That the wearing of said shoes will stimulate or exercise the muscles or arches of the feet;

(3) That the wearing of said shoes will help children's feet to develop healthily or will help to keep them healthy.

By "Decision of the Commission and order to file report of compliance," Docket 5976, November 13, 1952, which announced and decreed fruition of said mitial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 13, 1952,

By the Commission.

[SEAL] WM. P GLENDENING, Jr., Acting Secretary.

[F. R. Doc. 53-1695; Filed, Feb. 19, 1953; 8:49. a. m.]

# TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A-Income and Excess Profits Taxes [T. D. 5989; Regs. 111]

PART 29-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS

On December 4, 1952, notice of proposed rule making conforming Regulations 111 (26 CFR Part 29) to section 315 of the Revenue Act of 1951, approved October 20, 1951, was published in the Federal Register (17 F. R. 10971).

<sup>&</sup>lt;sup>1</sup> Filed as part of the original document.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111, set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.102-1 the following:

SEC. 315. SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Long-term capital gains. Section 102 (d) (1) (relating to definition of section 102 net income) is hereby amended by adding at the end thereof the following new subparagraph:

(D) Long-term capital gains. The excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes imposed by this chapter attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between (i) the taxes imposed by this chapter (except the tax imposed by this chapter (except the tax imposed by this chapter such year and (ii) such taxes computed for such year without including such excess in net income.

(b) Effective date. The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.102-4, as amended by Treasury Decision 5796, approved July 19, 1950, is further amended as follows:

(A) By changing the period at the end of the second sentence to a semicolon and by adding at the end thereof the following: "(e) for taxable years beginning after December 31, 1950, the amount remaining after deducting from the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (computed without regard to any capital loss carry-over) the taxes attributable to such excess. For purposes of this paragraph, the taxes attributable to such excess shall be the amount remaining after deducting from the taxes imposed by chapter 1 for such year (determined without regard to the taxes imposed by section 102) the taxes similarly imposed and determined for such year without including the excess of net long-term capital gain over the net short-term capital loss for such year in net income. For example, if the taxpayer pays the alternative tax as computed under section 117 (c) the tax attributable to the excess of the net long-term capital gain over the net short-term capital loss shall be the amount computed under section 117 (c) (1) (B)

(B) By changing the period at the end of the fifth sentence to a comma and by adding at the end thereof the following: "and, in addition, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section."

(C) By striking the period at the end of the sixth sentence and adding at the end thereof the following: "(including, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section)."

(53 Stat. 32, 467; 26 U.S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

Approved: February 16, 1953.

ELBERT P. TOTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1715; Filed, Feb. 19, 1853;

8:52 a. m.]

[T. D. 5990; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECIMER 31, 1941

CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION

On November 22, 1952, notice of proposed rule making with respect to regulations under sections 112 (b) (11) and 113 (a) (23) of the Internal Revenue Code, as added by section 317 of the Revenue Act of 1951, approved October 20, 1951, relating to certain distributions of stock on reorganization, was published in the Federal Register (17 F. R. 10647). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted.

Paragraph 1. Section 29.112 (a)-1, as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by adding at the end of paragraph (f) thereof the following sentence: "See section 112 (b) (11), with respect to nonrecognition of gain upon the distribution of stock (other than preferred) in a corporation a party to a reorganization under certain circumstances without the surrender of stock."

Par. 2. There is inserted immediately following § 29.112 (b) (10)-2 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCKS ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Distributions not in liquidation. Section 112 (b) (relating to nonrecognition of gain or loss in the case of certain exchanges) is hereby amended by adding at the end thereof the following new paragraph:

(11) Distribution of stock not in liquidation. If there is distributed, in purcuance
of a plan of reorganization, to a charcholder
of a corporation which is a party to the
reorganization, stock (other than preferred
stock) in another corporation which is a
party to the reorganization, without the currender by such shareholder of stock, no gain
to the distributee from the receipt of such
stock shall be recognized unless it appears
that (A) any corporation which is a party
to such reorganization was not intended to
continue the active conduct of a trade or
business after such reorganization, or (B)
the corporation whose stock is distributed
was used principally as a device for the distribution of earnings and profits to the
shareholders of any corporation a party to
the reorganization.

(c) Effective date. The amendments made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date. \$29.112 (b) (11)-1 Certain distributions of stock on reorganization. (a) If there is distributed after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to such shareholder from the receipt of such stock shall be recognized, unless it appears that:

(1) Any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or

(2) The corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

(b) For section 112 (b) (11) to be applicable, there must be a reorganization as defined in section 112 (g) (1) and a distribution to shareholders in pursuance of the plan of reorganization. Accordingly, for the purpose of section 112 (b) (11), there must be compliance with the rules prescribed in §§ 29.112 (a)-1, 29.112 (g)-1, and 29.112 (g)-2, relating to reorganizations and to exchanges and distributions. The distributions under section 112 (b) (11) must be of stock in a corporation which is a party to the reorganization, which stock was received in the reorganization.

(c) Section 112 (b) (11) involves cases in which one corporation, in a reorganization as defined in section 112 (g) (1) (D), transfers a part of its assets to another corporation in exchange for stock, and, in pursuance of the plan of reorganization, distributes or causes to be distributed on its behalf to its shareholders, without the surrender by them of stock in the transferor corporation, stock (other than preferred stock) received in the reorganization. For limitations specially applicable under section 112 (b) (11), see § 29.112 (b) (11)-2. The distribution of preferred stock or other property received in the reorganization, or of other property of the transferor corporation, is not within the provisions of section 112 (b) (11).

§ 29.112 (b) (11)-2 Limitations upon the application of section 112 (b) (11). (a) The benefits of section 112 (b) (11) are limited to a reorganization in which all of the corporations, parties to the reorganization, are intended to continue the active conduct of a trade or business after the reorganization, and in which the corporation whose stock is distributed is not used principally as a device for the distribution of earnings and profits to shareholders of any corporation a party to the reorganization. The underlying assumption of section 112 (b) (11) and of the rules applicable to reorganizations is that the reorganization and distribution of stock must result in a continuation of the old business activities and in a continuation of the interests of the shareholders therein.

(b) A corporation shall be considered for the purpose of section 112 (b) (11) to be engaged in the active conduct of a

trade or business after the reorganization only if it directly conducts such business or indirectly conducts the business through ownership of stock in another corporation actively conducting the business, which other corporation is a subsidiary (whether or not majorityowned) of the corporation, a party to the reorganization. For the purpose of the preceding sentence, a corporation is considered a subsidiary of another corporation if a majority of its voting stock is owned by the other corporation or if a part of its stock (whether or not a majority of its voting stock) is owned by , the other corporation under such circumstances that the policies of the first corporation are directed by the second corporation. The assets, if any, of a corporation used directly in the conduct of a business and stock, if any, held by a corporation in a subsidiary actively conducting a business must constitute a substantial part of all of the assets of the corporation.

(c) Ordinarily the business reasons (as distinguished from any desire to make a distribution of earnings and profits to the shareholders) which support the reorganization and the distribution of the stock will require the distribution of all of the stock received by the transferor corporation in the reorganization.

Example 1. Corporation A owns and operates several mines and in addition owns 45 percent of the stock of Corporation X, 40 percent of the stock of Corporation Y, and 35 percent of the stock of Corporation Z. Corporation A is the largest single shareholder in each of these corporations, and directs their policies in such manner that these corporations are operated as subsidiaries of Corporation A. Corporations X, Y, and Z are each directly engaged in the active conduct of a trade or business. Corporation A transfers all its stock in Corporations X, Y, and Z to newly organized Corporation B in exchange for all of Corporation B's stock, which stock is distributed pro rata among the shareholders of Corporation A. Corporation B then directs the policies of these corporations in such manner that they are op-erated as subsidiaries of Corporation B. There are no other relevant facts. The distribution of the stock (other than preferred stock) in Corporation B to the shareholders of Corporation A is within the terms of sec-

tion 112 (b) (11).

Example 2. Corporation C owns and operates a department store. It decides to provide parking facilities for the customers of the store. In order to provide such facilities, Corporation C enters into a contract to purchase land adjacent to its premises. The purchase price of the land is \$100,000 and it is estimated that the cost of developing the parking lot will be \$50,000. In order to separate the operations of the parking lot from those of the department store. Corporation C transfers to a newly formed Corporation D \$90,000 in cash and \$90,000 in bonds, together with the contract for the purchase of the land, in exchange for all the stock of Corporation D, which stock is distributed pro rata among the shareholders of Corporation C. The purchase of the land is completed on the date fixed in the contract, and the parking facilities are developed and operated by Corporation D. There are no other relevant facts. The transfer of the cash, bonds, and contract to Corporation D in exchange for its stock is a reorganization under section 112 (g) (1) and the distribu-tion of stock (other than preferred stock) in Corporation D to the shareholders of Corporation C is within the terms of section 112 (b) (11).

Example 3. Corporation E is engaged in a manufacturing business. The assets of Corporation E include \$300,000 in cash and \$600,000 in bonds in addition to \$450,000 in other assets used in the manufacturing business. Corporation E forms a new corporation, F, to which Corporation E transfers \$200,000 in cash and the \$600,000 in bonds in exchange for all the stock of Corporation F, which stock is distributed among the shareholders of Corporation E pro rata. At the time of the transaction there is no clear and definite plan for the acquisition by Corporation F of specific business assets. There are no other relevant facts. The transfer of cash and bonds to Corporation F is not a reorganization under section 112 (1) of the Code; therefore, the distribution of the stock of Corporation F is taxable as a dividend to the extent provided in section 115 (a).

Par. 3. Section 29.112 (g)-1, as amended by Treasury Decision 5402, is further amended by inserting immediately preceding the last sentence of paragraph (b) thereof the following: "The nonrecognition of gain or loss is also prescribed with respect to the distribution occurring after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, of stock (other than preferred stock) in another corporation which is a party to the reorganization, where such shareholder does not surrender any stock. (See section 112 (b) (11) and the regulations thereunder.)"

Par. 4. Section 29.112 (g) -2 is amended by striking from paragraph (g) (which paragraph begins with the words "The term 'plan of reorganization'") the word "exchanges" wherever it appears and inserting in each instance in lieu thereof the words "exchanges or distributions"

PAR 5. Section 29.112 (g) -5 is amended by adding at the end thereof the following sentence: "See § 29.112 (b) (11) -1 with respect to the distribution occurring after October 20, 1951, to a shareholder, in pursuance of a plan of reorganization of stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock."

Par. 6. Section 29.113 (a)-2, as amended by Treasury Decision 5402, is further amended by striking from the second sentence thereof the expression "113 (a) (22)" and by inserting in lieu thereof the expression "113 (a) (23)"

Par. 7. There is inserted immediately after § 29.113 (a) (22)-1 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

- (b) Basis of stock. Section 113 (a) (relating to unadjusted basis for determining gain or loss) is hereby amended by adding at the end thereof the following new paragraph:
- (23) Tax-free distributions. If the property consists of stock distributed after the date of the enactment of the Revenue Act of 1951 to a taxpayer in connection with a transaction described in section 112 (b). (11) [hereinafter in this paragraph called "new stock"], or consists of stock in respect of

which such distribution was made (hereinafter in this paragraph called "old stock"), then the basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations prescribed by the Secretary.

(c) Effective date. The amendments' made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date.

§ 29.113 (a) (23)-1 Basis of stock on certain distributions on reorganization. The distribution, in pursuance of a plan of reorganization, to a shareholder of a corporation (a party to the reorganization) of stock in another corporation (also a party to the reorganization) may be within the provisions of section 112 (g) of the Revenue Act of 1932, or the corresponding provisions of prior revenue laws, if made before January 1, 1934, or may be within the provisions of section 112 (b) (11) if made after October 20, 1951, and if the distribution consists of stock other than preferred stock. Section 112 (g) of the Revenue Act of 1932 and section 112 (b) (11) provide that no gain shall be recognized to the shareholder in the case of such distribution. The basis of the stock in respect of which the distribution was made and of the stock distributed to the shareholder is ascertained in accordance with the principles set forth in § 29.113 (a) (12)-1 in the case of such a distribution made before January 1, 1934, The same principles of § 29.113 (a). (12)-1 shall apply to the determination of the basis of such stock in the case of a distribution after October 20, 1951, to which section 112 (b) (11) is applicable.

Par. 8. Section 29.115-11 as amended by Treasury Decision 5402, is further amended by striking subparagraph (1) of paragraph (c) thereof and inserting in lieu thereof the following:

(1) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, to its shareholders:

(i) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year beginning before January 1, 1934, without the surrender by the distributees of stock or securities in such corporation (see section 112 (g) of the Revenue Act of 1932) or

(ii) Of stock (other than preferred stock) in another corporation which is a party to the reorganization without the surrender by the distributees of stock in the distributing corporation if the distribution occurs after October 20, 1951 (see section 112 (b) (11)), or

(iii) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year (beginning before January 1, 1939, or on or after such date) in exchange for its stock or securities (see section 112 (b) (3))

if no gain to the distributees from the receipt of such stock or securities was recognized by law. (53 Stat. 32, 467; 26 U.S. C. 62, 3791)

T. COLEMAN ANDREWS. Commissioner of Internal Revenue.

Approved: February 17, 1953.

ELBERT P. TUTTLE, Acting Secretary of the Treasury.

[F. R. Doc. 53-1716; Filed, Feb. 19, 1953; 8:52 a. m.l

#### [T. D. 5988; Regs. 111]

PART 29-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

#### PART 601-PROCEDURE

#### MISCELLANEOUS AMENDMENTS

On October 1, 1952, notice of proposed rule making to conform Regulations 111 to Part II of Title III of the Revenue Act of 1950, approved September 23, 1950, and to Public Law 35, 82d Congress, approved May 17, 1951, to provide for a technical amendment made to 26 CFR 601.17 (a) respecting forms required of trusts claiming deductions under section 162 (a) of the Internal Revenue Code. was published in the Federal Register (17 F. R. 8704) No objection to the rules proposed having been received, the amendments of Regulations 111 (26 CFR Part 29) and the technical amendment made to 26 CFR 601.17 (a) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.153-1, as added by Treasury Decision 5838, approved April 17, 1951, the following:

PUBLIC LAW 35, 82D CONGRESS, APPROVED MAY 17, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to taxable years beginning after December 31, 1949, section 153 (b) of the Internal Revenue Code (relating to special returns required from trusts claiming charitable, etc., deductions under section 162 (a) of such code) is hereby amended by adding at the end thereof the following:

This subsection shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

Par. 2. Section 29.153-2, as added by Treasury Decision 5838, is hereby amended as follows:

(A) By changing the headnote and the first sentence thereof to read as follows:

- § 29.153-2 Information required of certain trusts claiming charitable or other deductions under section 162 (a) -(a) In general. For taxable years beginning after December 31, 1949, every trust (other than a trust described in paragraph (b) of this section) claiming a charitable or other deduction under section 162 (a) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041-A. \* \* \*
- (B) By adding at the end thereof the following:
- (b) Exception. The provisions of paragraph (a) of this section with

respect to the filing of information returns shall not be applicable to the taxable year of a trust if the trustee is bound by the instrument creating the trust to distribute each year to the beneficiaries all the net income of the trust (such net income being determined under the applicable principles of the law of trusts)

PAR. 3. There is inserted immediately preceding § 29.162-1 the following:

Sec. 321. CHARITABLE, ETC., DEDUCTIONS OF TRUSTS (REVENUE ACT OF 1950, AFFEOVED SEP-TEMBER 23, 1950).

(a) Amendment of section 162. Section 162 is hereby amended by adding at the end thereof the following:

(g) Rules for application of subsection (a) in the case of trusts—(1) Trade or business income. In computing the deduction allowable under subsection (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwice allowable under the computation (a) to a challenge of the case of the cas subsection (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to its Supplement U business income for such year. As used in this paragraph the term "Supplement U business income" means an amount equal to the amount which, if such trusts were exempt under section 101 (6) from taxa-tion, would be computed as its unrelated business net income under cection 422 (relating to income derived from certain business

activities and from certain leases).
(2) Operations of trusts—(A) Limitation on charitable, etc., deduction. The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed with-out the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this para-

(B) Prohibited transactions. For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in

subsection (a)—
(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its cervices avail-

able on a preferential basis to:

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from:

(v) Sells any substantial part of the cecurities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any percon who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) Taxable years affected. The amount otherwice allowable under subsection (a) as a deduction chall be limited as provided in subparagraph (A) only for taxable years sub-cequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transac-tion with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) Future charitable, etc., deductions of trusts denied deduction under subparagraph (C). If the deduction of any trust under cubection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secre-tary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regula-tions, is caticfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) Disallowance of certain charitable, etc., deductions. No gift or bequest for religious, charitable, ccientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animalo), otherwise allowable as a deduction under section 23 (0) (2), 23 (q) (2), 162 (a), 505 (a) (2), \* \* \* chall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the de-duction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by vanion such deduction has been to inflict a prohibited trans-action with the purpose of diverting such corpus or income from the purposes de-cribed in subsection (a), and such trans-action involved a substantial part of such income or corpus, and which taxable year is the came, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the denor only if such denor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D))

was a party to such prohibited transaction.
(F) Definition. For the purposes of this paregraph the term "cift or bequest" means any glit, contribution, bequest, devise, legger, or transfer.

(3) Cross reference. For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section

(4) Accumulated income. If the amounts permanently set eside, or to be used exclu-cively, for the charitable and other purposes described in subsection (a) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable

(A) are unreasonable in amount or duration in order to carry out such purposes of the trust; or

(B) are used to a substantial degree for purposes other than those described in sub-

cection (a); or
(C) are invested in such a manner as to jeopardize the interests of the religious, charitable, ccientific, etc., beneficiaries,

the amount otherwice allowable under subcection (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)).

(b) Technical amendment. Section 162 (a) is hereby amended by striking out "There

shall be allowed as a deduction" and inserting in lieu thereof "Subject to the provisions of subsection (g), there shall be allowed as a deduction."

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [sections 321 and 322 of the Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 4. Section 29.162-1, as amended by Treasury Decision 5962, approved December 16, 1952, is further amended as follows:

(A) By adding immediately after the fifth sentence in paragraph (a) thereof the following: "For limitations on the deduction otherwise allowable under section 162 (a), see section 3813. See also this paragraph and §§ 29.162-3 and 29.162-4."

(B) By striking therefrom the last sentence of paragraph (a) (which sentence begins "See § 29.153-2") and inserting in lieu thereof the following: "In the case of a trust, the deduction otherwise allowable under section 162 (a) for any taxable year beginning after December 31, 1950, is subject to the limitations of section 162 (g) See §§ 29.162-3 and 29.162-4. See § 29.153-2 relating to the annual information return that must be filed for any taxable year beginning after December 31, 1949, by certain trusts claiming charitable, etc., deductions under section 162 (a) for the taxable year."

PAR. 5. There is added immediately after § 29.162-2 the following:

§ 29.162-3 Rules for the application of section 162 (a) in the case of trusts-(a) Limitation on charitable, etc., deduction of trusts with trade or business income. (1) In computing the deduction allowable under section 162 (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwise allowable under section 162 (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to the trust's Supplement U business income for such year. For the purpose of this section, the term "Supplement U business income" means an amount equal to the amount which, if such trust were exempt from taxation under section 101 (6) would be computed as its unrelated business net income under section 422 and the regulations thereunder. For the purpose of such computation under section 422, the term "unrelated trade or business" includes any trade or business regularly carried on by such a trust, or by a partnership of which it is a mem-

(2) Unless the facts clearly indicate the contrary, the deduction otherwise allowable under section 162 (a) is allocable to the Supplement U business income on the basis of the ratio which the Supplement U business income bears to the net income of the trust computed without any deduction under section 162,

Example (1). The X trust has net income of \$50,000 computed without any deduction under section 162. There is included in this amount a net profit of \$30,000 from the operation of a trade or business. The trustee is required to pay one-half of the net income to A, an individual, and the balance of the net income to the Y charity, an organization described in section 23 (o) (2). The trustee pays each beneficiary \$25,000. Under these facts, the Supplement U business income of the trust (computed after the deduction allowable under section 422 (a) (9) for char-itable contributions) is \$25,500. The deduction otherwise allowable under section 162 (a) is \$25,000, the amount paid to the Y charity. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is \$12,750, that is, an amount which bears the same ratio to \$25,000 as \$25,500 bears to \$50,000.

Example (2). Assume the same facts as in example (1), above, except that the trustee has discretion as to the portion of the net income to be paid to each beneficiary, and the trustee pays \$40,000 to A and \$10,000 to the Y charity. The deduction otherwise allowable under section 162 (a) is \$10,000. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is \$5,100, that is, an amount which bears the same ratio to \$10,000 as \$25,500 bears to \$50,000.

Example (3). Assume the same facts as in example (1), above, except that the terms of the trust instrument require the trustee to pay to the Y charity the net income, if any, derived from the trade or business, and to pay to A all the net income derived from other sources. The trustee pays \$30,000 to the Y charity and \$20,000 to A. The deduction otherwise allowable under section 162 (a) is \$30,000. Under the facts in this case, \$25,500 of the amount paid to the Y charity is allocable to the Supplement U business income and is therefore disallowed as a

deduction.

(b) Limitation on charitable, etc., deduction of trusts engaged in prohibited transactions. (1) In the case of a trust which has engaged in any prohibited transaction (as described in section 162 (g) (2) (B)) after July 1, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall not exceed 15 percent of the net income of such trust (computed without the benefit of section 162 (a)) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered mail to the last known address of the fiduciary. However, notwithstanding the requirement of notification by the Commissioner, such limitation (on the amount otherwise allowable under section 162 (a) as a deduction) shall apply with respect to any taxable year beginning after December 31, 1950, if such trust during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting such income or corpus from the purposes described in section 162 (a) and such transaction involved a substantial part of such income or corpus. See examples under §§ 29.162-4 and 29.3813-1.

(2) A trust whose deduction under section 162 (a) has been limited by reason of the provisions of section 162 (g) (2) (A) may file, in any taxable year following the taxable year in which notice

of limitation of deduction was issued, a claim for allowance of unlimited deduction under section 162 (a) This claim shall be filed with the director for the district in which the fiduciary resides or has his principal place of business. The claim must contain or have attached to it an affidavit by the fiduciary that the trust will not knowingly again engage in a prohibited transaction.

(3) If the Commissioner is satisfied that the trust will not knowingly again engage in a prohibited transaction, he shall so notify the trust in writing. In such case the trust will be allowed unlimited deduction under section 162 (a) (subject to the provisions of section 162 (g)) with respect to taxable years subsequent to the taxable year in which such claim is filed. Section 162 (g) (2) (C) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

(c) Limitation on charitable, etc., deduction of trusts accumulating income. (1) For any taxable year beginning after December 31, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 percent of the net income of the trust (computed without the benefit of section 162 (a)), if the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in section 162 (a) during the taxable year or any prior taxable year (including taxable years beginning prior to January 1, 1951) and not actually paid out by the end of the taxable year are unreasonable. Amounts accumulated out of income for purposes described in section 162 (a) become unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the charitable or other purpose described in section 162 (a) for which such amounts were set aside. Furthermore, such limitation on the deduction otherwise allowable under section 162 (a) shall apply if amounts accumulated out of income for purposes described in section 162 (a) are used to a substantial degree for purposes other than those described in section 162 (a), or if such amounts are invested in such a manner as to reopardize the interests of the religious, charitable, scientific. etc.. beneficiaries.

(2) For the purpose of section 162 (g) (4) the term "income" means gains, profits, and income determined under the principles applicable in determining the earnings or profits of a corporation. The amount accumulated out of income during the taxable year or any prior taxable year shall be determined under the principles applicable in determining the accumulated earnings or profits of a corporation. In determining the reasonableness of an accumulation out of income, there will be disregarded the following: (i) The accumulation of gain upon the sale or exchange of a donated asset to the extent that such gain rep-

resents the excess of the fair market value of such asset when acquired by the trust over its substituted basis in the hands of the organization; (ii) the accumulation of gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, where the proceeds of such sale or exchange are within a reasonable time reinvested in property acquired and held in good faith for the production of investment income.

(3) Whether the conditions specified m subparagraphs (A) (B) and (C) of section 162 (g) (4) are present in any case must be determined from all the facts. The conditions specified in section 162 (g) (4) (A) (B) and (C) may result from the use of only one trust or of a chain of two or more organizations.

(4) A trust whose deduction under section 162 (a) has been limited by reason of the provisions of section 162 (g) (4) may file a claim for allowance of unlimited deduction under section 162 (a) This claim shall be filed with the director for the district in which the fiduciary resides or has his principal place of business. The claim must contain or be accompanied by information or evidence showing that the circumstances that caused the limitation on deduction prescribed under section 162 (g) (4) no longer exist, and an affidavit by the fiduciary that the trust will not knowingly again violate the terms of such section. Section 162 (g) (4) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable

(5) In the case of a trust the deduction under section 162 (a) of which has been limited solely by reason of the provisions of section 162 (g) (4) deductions otherwise allowable under section 23 (o) (2) 23 (q) (2), 162 (a) or 505 (a) (2) for gifts or contributions made to such a trust in trust for charitable, etc., purposes, shall not be disallowed.

§ 29.162-4 Disallowance to donors of certain charitable, etc., deductions for gifts made in trust. (a) No gift or contribution made on or after January 1, 1951, which would otherwise be allowable as a charitable or other deduction under section 23 (o) (2) 23 (q) (2) 162 (a) or 505 (a) (2) shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or contribution is made, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A).

(b) The prohibited transactions enumerated in section 162 (g) (2) (B) are in addition to and not in limitation of the restrictions contained in section 23 (o) (2),23 (q) (2),162 (a) or 505 (a) A deduction may not be allowed in view of the general provisions of those sections, even though the trust has not engaged in any of the prohibited transactions referred to in section 162 (g) (2) Thus, if the donor or the fiduciary of the trust enters into a transaction with the trust, such transaction will be closely scrutinized to ascertain whether the con-

tribution is in fact made for the stated exempt purposes.

(c) If a trust, which receives a gift or contribution for charitable, etc., purposes after December 31, 1950, is not entitled to the unlimited deduction under section 162 (a) because it engaged in a prohibited transaction with the purpose of diverting its income or corpus from the purposes described in section 162 (a), and such transaction involved a substantial part of such income or corpus, and if the taxable year of the trust during which such gift or contribution is made begins after December 31, 1950, and is the same as, or is prior to, the taxable year of the trust in which such transaction occurred, then a deduction by the donor with respect to the gift or contribution shall not be disallowed under the first paragraph of this section unless the donor (or any member of his family if the donor is an individual) is a party to such prohibited transaction. For the purpose of the preceding sentence, the members of an individual donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants. See § 29.3813-3 for disallowance of certain charitable, etc., deductions otherwise allowable under section 162 (a).

Example. Under the terms of an irrevocable trust established by A in 1949, the trustees were to pay one-half of the income of the trust to A's wife for life, and the trustees were given discretion either to ac-cumulate or distribute the remaining onehalf of the income to a specified charitable beneficiary. Upon the death of the wife, the entire corpus was to be paid to the named charity. The trust makes its income tax returns on the basis of the calendar year. For 1949, A takes a charitable deduction for the amount of the gift in trust to the charity. In 1952, 1953, 1954, and 1955, A makes further contributions to the trust and takes charitable deductions for such years under section 23 (o) (2). In 1953, 1954, and 1955, B (not a member of A's family) makes contributions to the trust for its designated charitable purpose and takes charitable deductions for such years. In 1953, the trust commences purposely to divert income and corpus which had been set aside for its charitable purpose and to turn such income and corpus over to A, the creator of the trust, and a substantial amount of such income and corpus is so diverted by the close of the taxable year 1954. For 1953 and subsequent taxable years, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A). Both A and B are disallowed any charitable deduction for their charitable contributions made during 1955 to the trust. Moreover, the charitable deduction taken by A for contributions to the trust in the years 1953 and 1954 would also be disallowed cinco A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1952 by A was for the purpose of the prohibited transaction, then the charitable deduction for the year 1952 shall also be disallowed with respect to A, since the prohibited transaction would then have commenced with the making of such contribution and the deduction allowed the trust under section 162 (a) would then be limited for 1952 by reason of the provisions of section 162 (g) (2) (A).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

PAR. 6. The Statement of Procedure contained in F. R. Doc. 46-15357, appearing at page 177A-22, Part II, Section 1,

of the issue for September 11, 1946, as amended (26 CFR Part 601; 14 F. R. 2063; 15 F. R. 6888; 17 F. R. 6948) IS hereby further amended by changing the part of § 601.17 Forms—(a) Description relating to Form 1041 to read as follows:

Form 1041-A. Fiduciary information return required of trusts claiming charitable or other deductions under section 162 (a), I. R. C. for taxable years beginning after December 31, 1949.

(R. S. 161; 50 U. S. C. 22)

JUSTIN F. WINKLE, Acting Commissioner of Internal Revenue.

Approved: February 16, 1953.

ELBERT P. TUTTLE, Acting Secretary of the Treasury. [P. R. Doc. 53-1672; Filed, Feb. 19, 1953; 8:45 a. m.1

# TITLE 30-MINERAL RESOURCES

# Chapter I-Bureau of Mines, Department of the Interior

Subchapter C-Explosives and Related Articles; Tests for Permissibility and Suitability

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES)

PART 17-BLASTING DEVICES (SCHEDULE 26)

#### MISCELLANEOUS AMENDMENTS

The Bureau of Mines is prepared to mspect and test blasting devices at its Explosives Testing Station, Bruceton, Pennsylvania, for the purpose of deter-Station, Bruceton, mining whether such devices may be approved for use in coal mines. This regulation relates to the requirements of performance of blasting devices which may be approved for use in coal mines, and the conditions under which tests will be made and approvals will be granted. Manufacturers of blasting devices have been consulted in the preparation of these rules and regulations and the existing need for adequate means for testing blasting devices for use in coalmining operations is considered good cause for making them effective immediately. For these reasons, the notices and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237; 5 U.S. C. 1003) are impractical, unnecessary, and contrary to the public interest; and the rules and regulations shall become effective as of the date of their approval.

1. The following revisions and deletions are made in Chapter I, Subchapter C. Part 15, of this title:

a. The heading of Part 15 shall read

"Explosives (Including Sheathed Explosives)'

b. In § 15.1 delete the following:

1. Paragraph (a) (2),

2. "and coal-mining blasting devices" from line 4 of paragraph (c)

3. "or device" from line 8 of paragraph

4. Paragraph (k); 5. "or check tests of permissible blasting devices" from lines 5 and 6 of para-

graph (1), 6. "or the devices" from line 8 of paragraph (1).

- c. In § 15.2 delete paragraph (b) d. In § 15.3 delete the following:
- 1. "or a blasting device" from lines 3 and 4:.
  - 2. "or blasting device" from line 9.
  - e. In § 15.4 delete paragraph (b) f. In § 15.5 delete the following:
- 1. "and equipment for blasting devices" from the headnote;
- 2. "or blasting device" from line 3 of paragraph (a)
  - 3. Paragraphs (d) and (e)
- g. In § 15.6 delete the following: 1. "and blasting devices" from the headnote:
- 2. "and blasting devices" from lines 3 and 4 of paragraph (a) (1)
- 3. "or blasting devices" from line 3 of paragraph (a) (3)
- 4. "or blasting devices" from lines 16 and 17 of paragraph (d)
- 5. "or heater elements of blasting devices" from line 20 of paragraph (d),
- h. In § 15.7 delete the following:
- 1. "or heater element (for blasting device)" from lines 4 and 5 of paragraph
  - 2. Paragraph (b) (3) (iv)
- 3. The last sentence of paragraph (b) (4)
- 1. In § 15.8 delete the following:
- 1. "and blasting devices" from the headnote;
  - 2. Paragraph (c)
  - J. In § 15.9 delete the following:
- 1. "and blasting devices" from the headnote:
- 2. "or blasting device" from line 5 of paragraph (a)
  - 3. Paragraph (c)
- k. In § 15.10 delete the following:
  1. "plate or" from the headnote;
  2. "or blasting device" from line 4 of paragraph (a)
- 3. "or blasting device" from line 8 of paragraph (b),
  - 4. Paragraph (e)
  - 1. Delete § 15.11 m its entirety.
- m. In § 15.12 delete the following:
- 1. "and permissible blasting devices" from line 5:
- 2. "or blasting devices" from lines 9 and 10:
- 3. "or blasting device" from line 15.
- n. In § 15.13 delete the following:
- 1. "and permissible blasting devices" from line 5;
- 2. "or blasting device (including heater element)" from lines 11 and 12.
- o. In § 15.14 delete paragraph (c)
- p. In § 15.15 delete the following: 1. "and blasting devices" from the headnote:
  - 2. Paragraph (c)
- (Sec. 5, 36 Stat. 370, as amended; 30 U.S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U.S. C. 5)
- II. A new Part 17—Blasting Devices (Schedule 26) containing §§ 17.1 through 17.16 is added to Subchapter C of Chapter I of Title 30 of the Code of Federal Regulations. This part relates to the testing of blasting devices.
- Sec.
- 17.1 Purpose.
- 17.2 Definitions..
- 17.3 Application for tests.
- 17.4
- 17.5 Drawings and specifications.
- Shipment of blasting device.

- Conduct of tests.
- 17.8 Physical and chemical tests. 17.9 Requirements for approval.
- 17.10 Granting of approval.
- 17.11 Conditions under which blasting devices are to be used.
- 17.12 Change in design.
- 17.13 List of permissible blasting devices.
- 17.14 Field sampling.

Sec.

17.7

- 17.15 Tolerances as applied to field samples.
- 17.16 Rescission of approval.

AUTHORITY: §§ 17.1 to 17.16 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S. C. 7. Interpret or apply sec. 3, 36 Stat: 370, as amended; 30 U.S. C. 5.

- § 17.1 Purpose. The regulations in this part specify the safety standards and the requirements for approval by the Bureau of Mines of blasting devices (as defined in § 17.2) as permissible for use in coal mines. The operation of blasting devices when used to bring down coal in underground workings involves at least two possible hazards, namely.
- (a) Ignition of methane-air and/or coal dust-air mixtures when the blasting device is operated.
- (b) Emission of toxic gases such as carbon monoxide, oxides of nitrogen, and hydrogen sulfide when the blasting device is operated.
- § 17.2 Definitions. As used in this part, the following terms are defined:
- (a) "Blasting device" is a unit used for breaking down coal involving a highpressure discharge from a metal shell and does not include devices whose operations are wholly mechanical.
- (b) "Approval" is a written official notification by the Bureau of Mines that upon investigation the blasting device has met satisfactorily the requirements
- of this part for use in coal mines.
  (c) "Permissible" means conforming, when completely assembled, in every respect with the device approved by the Bureau of Mines for use in coal mines.
- (d) "Approved marking" is an identifying mark indicating that the blasting device has been approved by the Bureau of Mines as a permissible blasting device.
- § 17.3 Application for tests. Before the Bureau of Mines will make any tests for the approval of a blasting device or for change in its design, the applicant must file a written request (no application form is provided by the Bureau) with the Regional Director, U.S. Bureau of Mines, Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, accompanied by a check, draft, or money order payable to the Treasurer of the United States to cover the fees prescribed in § 17.4.
- § 17.4 Fees. (a) The fee for complete tests leading to approval of a blasting device will be \$1200. A deduction of \$200 will be made from the total charge when no special electrical tests are required. If the applicant withdraws the device, or if the device fails to pass any of the tests prescribed in this part, the Bureau will charge the estimated cost, but not less than \$500 for the tests actually performed, and will return to the applicant the balance of the fee submitted. The fee for tests made in con-

nection with changes in design of a previously approved blasting device will be the estimated costs for the tests as determined by the Bureau, but not less than \$500. In case changes submitted for approval do not require test work. the minimum charge shall be \$100.

(b) The fees covering individual tests will be as follows:

(1)	Chemical analysis	\$100
(2)	Physical examination	60
(3)	Gallery tests, per shot	12
	Pendulum friction test, per	
• •	sample	30
(5)	Gaseous products	100
(6)	Shell temperature test	80
(7)	Electrical tests	200

- § 17.5 Drawings and specifications. A set of drawings, bill of materials, and specifications sufficient in number and detail to identify fully the parts of the blasting device must accompany the application. Drawings shall be numbered and dated to facilitate identification and reference in the records. The drawings and specifications for blasting devices shall include an assembly drawing, or drawings, clearly showing the over-all dimensions of the device, tolerances, and the character, size, and relative arrangement of all parts. The nature of the materials used in the assembly shall be specified on the drawings.
- § 17.6 Shipment of blasting device sample. Samples of the blasting device to be tested and all equipment necessary for charging and firing the device, shall be shipped prepaid to the Bureau only after the Bureau has furnished shipping instructions specifying the quantities and mode of shipment of the materials.
- § 17.7 Conduct of tests. Tests on blasting devices will be made at the Bureau's Explosives Testing Station at Bruceton, Pennsylvania, in the order of receipt of materials provided an application is on file. The following may witness the tests as observers only. A representative of the applicant, a representative of the mine workers, a representative of the mine operators, and such other persons as may be mutually agreed upon by the applicant and the Bureau. The conduct of the tests shall be entirely under the control of the Bureau.
- § 17.8 Chemical and physical tests (a) Chemical tests. Chemical tests will be made on any components of the device which may be necessary to establish basic data.
- (b) Physical examination. A physical examination will be made on the components of the device and all dimensions will be checked against the submitted drawings and specifications.
- (c) Gallery tests—(1) Test 1. Each assembly is discharged into a mixture of natural gas and air containing 8.0±0.3 percent of methane and ethane at a temperature of 25°±5° C.
- (2) Test 4. Each assembly is discharged into a mixture of natural gas and air containing 4.0±0.2 percent of methane and ethane and 8 pounds of standard bituminous coal dust placed on shelves inside the gallery.
- (d) Pendulum friction test. This test will be made on components which present explosive hazards.

(e) Gaseous products. The nature and quantity of gaseous products emitted by the assembled device will be determined.

(f) Shell temperature test. The surface temperature of the device will be determined after operating the shell under conditions which will produce a "hot shell," 1. e., a shell in which the hot gases are trapped and not released.

(g) Additional tests. Additional tests will be made if it is determined by the Bureau of Mines that they are necessary to establish the safety of the device.

§-17.9 Requirements for approval.

(a) Each assembly of a blasting device must pass without a single ignition, test 1 (35 trials) and test 4 (15 trials) in the gallery.

(b) Pendulum friction test. Components tested must not show in any trial with the hard fiber-faced shoe on the pendulum friction device a result more unfavorable than an almost indistinguishable local crackling.

(c) Gaseous products of explosion. The volume of poisonous gases produced by a blasting device must not exceed 140 liters per shell, as determined in the Crawshaw-Jones apparatus.

(d) Shell temperature test. The surface temperature of the device immediately after operating the device shall not

exceed 350° C.

- (e) Tests on electrical parts. If the blasting device is so designed that it cannot be discharged except with a specially designed electric power supply unit made expressly for that purpose, that power supply unit shall meet the applicable requirements of the Bureau of Mines in accordance with the provisions of Parts 18, 24, and 25 of Subchapter D of this chapter.
- (f) Missires. Approval will not be granted if the device fails to function or missires in a manner which is deemed to be unsafe by the Bureau of Mines.
- § 17.10 Granting of approval—(a) Notification of approval or disapproval. After the Bureau of Mines has completed the investigation of a blasting device, a written notification of the approval or disapproval of the device will be sent to the applicant. Any specific conditions required for handling the device will be stated in the report.

(b) Approved markings. When deemed necessary by the Bureau of Mines, the manufacturer must place an approval plate, stamp, or marking on those parts designated in the approval

report.

§ 17.11 Conditions under which blasting devices are to be used. The blasting device is permissible only when used under the following conditions:

(a) The device must conform to the specifications for the model as originally

approved.

(b) The device must not be discharged in the presence of firedamp that can be detected with a permissible flame safety

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(c) The unit used to fire the blasting device must be suitable for the purposeand meet the Bureau of Mines' requirements applicable to that particular type

of unit. The unit also must be used in a manner prescribed by the Bureau.

(d) The device must not be fired until everyone is 100 feet or more from the shot and protected by adequate cover, having one and if possible two right angles between them and the blast.

(e) The coal to be blasted must be undercut or . equivalently relieved: the length of the shot hole must be at least 6 inches less than the depth of the undercut or equivalent relief; and the shot hole shall be at least 6 inches away from the side of the undercut or equivalent relief.

(f) No blasting device shall be assembled or disassembled in a mine unless such permission is specifically stated in

the original approval.

(g) A misfired device must not be opened in the mine and must be taken out of the mine for this purpose. The conditions which constitute a missire will be specified in the original approval.

(h) Other conditions which will be set down by the Bureau as appropriate to the

particular device tested.

§ 17.12 Change in design. Special authorization from the Bureau of Mines must be obtained before the manufacturer makes a change in the design or the components of an approved blasting device.

§ 17.13 List of permissible blasting devices. The Bureau will maintain a list of permissible blasting devices which will be published from time to time.

§ 17.14 Field testing. The Burcau will periodically collect and re-examine permissible blasting devices in order to determine whether they conform to the specifications for the device as originally approved. If the blasting device fails to pass any retests, the manufacturer will be notified and it will be his duty to withdraw the device and make all future devices in conformity with the basic specifications.

§ 17.15 Tolerances as applied to field samples. Tolerances which provide for reasonable limits of variation in the results of chemical analysis and physical tests of field samples are included in this section.

Chemical analysis of field (a) samples—(1) Moisture. The tolerances for moisture shall be in accordance with those shown in table 1 of this section:

Pable 1—Limit of Variation (Peccentage of Total) for Various Quantities of Moisture

Quantity	Limit of	
From	То	of total
Pount 0022 104 104 1220 220 234 246	Pacent 0.1 .5 .9 1.3 1.7 2.5 2.3 3.7 4.1 4.5 and up	# 155789042074567 11104441444444444444444444444444444444

(2) Other ingredients. For ingredients in quantities of 60 percent or more the tolerance shall be ±3 percent of the total. For ingredients in quantities not exceeding 60 percent the tolerances shall be in accordance with those shown in table 2 of this section:

TABLE 2—LIMIT OF VARIATION (PERCENTAGE OF TOTAL)
FOR VARIOUS QUARTITIES OF CONSTITUENTS

Quantity of	Limit of varia- tion of total	
Frem—	то—	=
10000000000000000000000000000000000000	Pacent 1144 1144 1144 1144 1144 1144 1144 11	Paters 1.0 1.12 1.34 1.56 1.189 1.19 1.20 1.22 2.23 2.23 2.23 2.23 2.23 2.23 2.23

- (b) Physical tests of field samples. (1) The volume of poisonous gases must not exceed 140 liters per shell.
- (2) Grams of wrapper: The tolerance shall be ±2 grams per 100 grams of chemical ingredient based on that shown for the approved design.
- (3) Weight of chemical ingredients: The tolerance shall be ±10 percent of that shown by the basic composition.
- (4) Gallery test 1. The device must pass gallery test 1 using the normal charge.
- (5) Gallery test 4. The device must pass gallery test 4 using the normal charge.
- (6) Pendulum friction test: Pendulum friction test must pass with the hard fibre-faced shoe falling from a height of 1.5 meters.
- (7) The temperature of a hot shell must not exceed 350° C.
- (8) The blasting device and all special equipment required for its use must conform to the basic data.
- § 17.16 Rescission of approval. The Bureau reserves the right to rescand for cause, at any time, any approval granted under this part. Upon such rescission, the device will be declared nonpermissible and will be removed from the list of permissible blasting devices.

DOUGLAS MCKAY. Secretary of the Interior.

FEBRUARY 14, 1953.

[P. R. Doc. 53-1698; Filed, Feb. 19, 1953; 8:52 a. m.]

# TITLE 32A—NATIONAL DEFENSE, **APPENDIX**

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 3, Revision 1, Amdt. 31

GOR 3—EXEMPTIONS AND SUSPENSIONS OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

#### ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive. Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 3, Revision 1, is hereby issued.

#### STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 3, Revision 1, is one of the actions by which OPS is carrying out

that instruction.

GOR 3, originally issued to provide for exemption of certain limited rubber, chemical and drug commodity transactions, was revised on January 28, 1953, to provide a single listing of rubber. chemical and drug commodity transactions as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control at all levels of distribution all sales of cosmetics, proprietary drug products, drugs and medicines, when sold in the 48 states of the United States, the District of Columbia, and all territories and possessions of the United States except the Commonwealth of Puerto Rico.

Amendment 2, previously issued on February 12, 1953, continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past trans-

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

# AMENDATORY PROVISIONS

Section 22 of General Overriding Regulation 3, Revision 1, is hereby amended by adding the following paragraph:

(d) Drugs and cosmetics. All sales of drugs and cosmetics as defined in section 24 (b) and (c), when sold within the 48 states of the United States, the District of Columbia, and all territories and possessions of the United States except the Commonwealth of Puerto Rico. (Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

> JOSEPH H. FREEHILL. Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1746; Filed, Feb. 18, 1953; 4:49 p. m.]

### [General Overriding Regulation 4, Revision 1, Amdt. 181

GOR 4-EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTIONS OF ANIMAL HAIRS, CERTAIN FIBERS AND OTHER COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

#### STATEMENT OF CONSIDERATIONS-

As pointed out in the Statement of Considerations accompanying Amend-ment 17 to General Overriding Regulation 4, Revision 1, issued on February 6. 1953; the President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed ascordingly.

This amendment to GOR 4. Revision 1, is another in a series of actions by which OPS is carrying out that instruc-

This amendment exempts from price control all animal hairs and fibers, and all vegetable, plant and protein fibers. Many of these fibers, such as raw cotton, have been previously exempted from controls; this amendment is intended to exempt the remainder of them.

In addition, this amendment exempts all sales of printed plastic yard goods and commodities made from plastic sheeting or printed plastic yard goods, except sales at wholesale and retail in the territories and possessions of the United States. Many of these commodities have previously been exempted from control at the wholesale and retail levels (except in the territories and possesthis amendment extends the exemption to all sales by manufacturers.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

#### AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, as amended, is further amended by adding the following paragraphs:

(s) All animal hairs and fibers, and all vegetable, plant and protein fibers, in-cluding but not limited to, raw silk, mohair, bristles, kapok, spanish moss and broom corn.

(t) All sales of printed plastic yard goods, except sales at wholesale and retail in the territories and possessions of

the United States.

(u) All sales of commodities made from plastic sheeting or printed plastic yard goods, including but not limited to. shower curtains, table cloths, chair and sofa covers, crib sheets, mattress covers, and pillow covers, except sales at wholesale and retail in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

> JÖSEPH H. FREEHILL. Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1745; Filed, Feb. 18, 1953; 4:48 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 16]

GOR 5—Exemptions and Suspensions of CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

# ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to General Overriding Regulation 5, Revision 1, is hereby issued.

### STATEMENT OF CONSIDERATIONS

As pointed out in the Statement of Considerations accompanying Amendment 15 to General Overriding Regulation 5, Revision 1, issued on February 6, 1953, the President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate price controls in an orderly manner.

This amendment to General Overriding Regulation 5, Revision 1, is an additional step in the orderly elimination of price controls. It exempts vitrually all consumer durable goods from controls, with the exception of certain specified major appliances. For purposes of convenience, the exempted commodities are described by reference to Appendix A of Ceiling Price Regulation 161, which lists nearly all consumer durable goods. In addition, this amendment exempts all radio, television and phonograph parts, including those intended for original equipment as well as for repair and replacement.

The exemption of these commodities applies to all sales in the continental United States, but applies only to manufacturers' sales in the territories and possessions of the United States. Wholesalers' and retailers' sales in the territories and possessions are not exempted by this amendment.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

#### AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended in the following respects:

1. The following new sections are added to Article II:

SEC. 21. Radio, television and phonograph parts. Radio, television and phonograph parts, except sales at wholesale and retail in the territories and possessions of the United States.

SEC. 22. Commodities listed in CPR 161. The commodities described in Appendix A to Ceiling Price Regulation 161—Consumer Durable Goods Regulation, regardless of whether their ceiling prices have been determined under that regulation or any other regulation. Specifically excluded from this section, however, are sales of these commodities at wholesale or retail in the territories and possessions of the United States. Also specifically excluded from this section are all sales of the following major appliances:

Refrigerators, domestic. Freezers, farm and home. Dishwashers, domestic. Ranges, domestic.

Clothes washers, dryers and ironers, domestic.

2. Article IV is revoked.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

> JOSEPH H. FREEHUL, Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1747; Filed, Feb. 18, 1953; 4:49 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 21]

GOR 7—EXELIPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COM-MODITIES

DAIRY PRODUCTS AND MARGARINE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 21 to General Overriding Regulation 7, Revision 1, is hereby issued.

### STATEMENT OF CONSIDERATIONS

Pursuant to the President's policy calling for orderly termination of the price

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control program, this amendment exempts from price control the following additional items sold within the continental United States:

1. All dairy products, including fluid milk;

2. Margarine.

In view of the special nature and basis of this amendment, consultation with industry representatives, including trade association representatives, was impracticable and unnecessary. In the judg-ment of the Director, this amendment complies with the applicable provisions of the Defense Production Act of 1950, as amended.

#### AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

- 1. Paragraph (i) of section 2 is amended to read as follows:
- (i) All dairy products, including fluid milk, sold within the continental United States.
- 2. Section 2 is amended by adding the following new paragraph:
- (p) Margarine sold within the continental United States.
- 3. Paragraph (c) of section 4 is amended to read as follows:
- (c) Supplementary Regulations to GCPR. Supplementary Regulations 34. 43, 47, 54, 61, 63 and all Area Milk Price Regulations issued thereunder, 65 and 79 to the General Ceiling Price Regula-

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

> JOSEPH H. FREEHILL. Director of Price Stabilization,

FEBRUARY 18, 1953.

[F. R. Doc. 53-1748; Filed, Feb. 18, 1953; 4:49 p. m.]

[General Overriding Regulation 9, Amdt. 40, Correction ?

GOR 9-EXEMPTIONS OF CERTAIN INDUS-TRIAL MATERIALS AND MARUFACTURED Goods

CERTAIN FERROUS AND NONFERROUS LIETALS AND NONHETALLIC LINERALS, LIETAL SCRAP, SECONDARY NONFERROUS METAL, IRON ORE. CERTAIN BUILDING MATERIALS AND CONSTRUCTION SERVICES, CASTINGS, FORGINGS, AND MACHINERY AND EQUIP-MENT RENTALS

Due to a clerical error certain of the references to section 2 (b) of General Overriding Regulation 9 contained in amendatory provision 2 of Amendment 40 to GOR 9 are incorrect. Accordingly, amendatory provision 2 of Amendment 40 to GOR 9 is corrected to read as follows:

2. Items (4) through (8) in section 2 (b) of GOR 9 are hereby added to the listing in section 2 (a) and are redesignated as subparagraphs (53) through (57), respectively.

(Sec. 704, 64 Stat. 816 as amended; 50 U.S.C. App. Sup. 2154)

> JOSEPH H. FREEHILL. Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1749; Filed, Feb. 18, 1953; 4:50 p. m.]

[General Overriding Regulation 9, Amdt. 41]

GOR 9—EXELIPTIONS OF CERTAIN INDUS-TRIAL MATERIALS AND MANUFACTURED Goods

CERTAIN NON-METALLIC BUILDING MATERIALS, REFRACTORY PRODUCTS, AND CERTAIN ITERIS OF MACHINERY AND AUTOMOTIVE EQUIP-TITUTIT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9 is hereby issued.

### STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 is a further action under the directive of the President of the United States that the present price control program be terminated in an orderly manner.

General Overriding Regulation 9, as originally issued, provided a single list-ing of industrial materials and manufactured goods from which price ceilings were removed. It was intended that other commodities would be added to the coverage of the overriding regulation, and the present amendment is a further decontrol action for the commodities listed.

This amendment exempts from price control non-metallic building materials. refractory products, and certain items of machinery and automotive equipment.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

# ALTERIDATORY PROVISIONS

1. Section 1 of General Overriding Regulation 9 is amended to read as follows:

Section 1. What this regulation does. This regulation exempts certain commodities or transactions from any ceiling price restrictions imposed by the Office of Price Stabilization. It also suspends the operation of any ceiling price restrictions imposed by the Office of Price Stabilization as to certain other commodities or transactions. However, any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States in the manner and for the period stipulated in the regulation reguiring you to have such record.

- 2. Section 2 (a) of General Overriding Regulation 9 is amended by the addition of the following:
- (58) Certain items of machinery as follows:

Automotive testing and maintenance equipment, mechanical and electrical.

Blocks and tackies.

Blowing machines, for blowing insulating materials, truck or trailer mounted. Brushes, industrial, power-driven.

Carriers, lumber, steel, etc., specially designed for industrial or commercial use. This does not include on-the-highway automotive vehicles.

Cars, passenger or freight designed to operate on rails, including all types of flanged wheel mining and industrial cars and cars for surface, subway and elevated lines, whether or not self propelled.

Conduit, rigid and flexible, and conduit fittings.

Construction machinery and related equipment as follows: Asphalt mixers and plants of all types with

related equipment used in mixing, handling, spreading and finishing bitumiconstruction and maintenance materials.

Concrete mixers, pavers, mixing and batching plants and all equipment used in handling, placing, vibrating, spreading, and finishing concrete, mortar and plaster in payements and structures of all types.

pulverizing, classifying Crushing. washing machinery and equipment for storing and handling rock, sand and gravel products.

Dump cars, concrete carts, hand and powered.
Excavating and earth-moving machinery,

draglines, clamshells, hoes, buckets, dredging machinery, ditchers, scrapers, rippers, elevating and blade graders, and all types of off-highway hauling equipment including attachments and related equipment.

Pile driving and extracting equipment.

Pumperete machines and systems.

Road, street and airport construction and maintenance equipment of all types, including scarifiers, maintainers, sprin-klers, bituminous pressure distributors, spreaders, street sweepers, cleaners and flushers, snow plows, marking equipment, heating kettles and related tools and equipment.

Rollers, compactors, formgraders and finegraders.

Steel pavement sidewalk and curb forms, column clamps, adjustible shores.

Tractors, crawler type and wheel type in-cluding angle, bull and pushdozers, con-trol units, winches, pipelayer attach-ments, backfillers, loaders, cranes, and all other off-the-highway tractor attachments.

Wellpoint systems.

Cotton ginning machinery.

Conveyors and conveying systems, industrial, including portable conveyors.

Counters and computers, electrical and me-chanical, industrial.

Cranes, crawler, overhead bridge, locomotive, revolving, truck and others.

Cylinders, power, hydraulic, pneumatic and hydropneumatic.

Derricks.

Dollies, industrial.

Dust-collecting equipment, industrial, portable and stationary, including industrial vacuum cleaners.

Electric Trolley buses.

Elevators, passenger and freight.

Escalators.

Fans and blowers, industrial, including warm air furnace fans, attic ventilating fans; built-in fans over 24" diameter and pressure fans and blowers but excluding unit, heaters or unit ventilators, hand blowers, and desk, pedestal, portable, celling, wall-bracket type fans, and propeller type fans 24" diameter and under.

Food products machinery as follows:

Bakery machinery.

\*Beyerage industries machinery.

Canning plant machinery for food products except can and container making.

Can closing machines.

Cereal manufacturing machines. Coffee roasting machinery.

Confectionery machines.

Dairy and milk product plant machinery. Meat-packing house machinery.

Vegetable oil machinery.
Miscellaneous food processing machinery.

Heaters; stone or concrete.

Heating, melting, burning and thawing equipment, portable, for industrial and transportation uses, except mechanical fire pots and blow torches.

Jack and jack screws; excluding automotive type jacks.

Line construction specialties, including line and hot line clamps, power connectors, disconnecting switches, pole type light-ning arrestors, pole line hardware, and control cable accessories.

Locomotives and tenders, including mining

and industrial.

Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.

Materials handling equipment, but excluding on-the-highway automotive vehicles. Mining and quarrying machinery, including

mine cars and trucks.

Oil-well and oil-field machinery and equipment.

Ore-crushing and concentrating machinery. Ovens, industrial and laboratory, except coke

Plants, stationary, for railroad use in handling cinders, fuel, sand and water.

Railroad car and locomotive parts, and spe-cialties for elevated, subway or surface lines, including:

Axles.

Bearings, truck side.

Boilers, fireboxes, front ends and cabs, fittings, fixtures, devices, or appliances mounted thereon.

Brake and brake gears.

Coupler devices or attachments.

Devices and appliances mounted on locomotives for treatment, distribution or control of water, fuel, steam, sand or electricity.

Doors and fixtures.

Draft gears, buffers, and attachments. Driving, foundation, or running gear. Grain control apparatus.

Journal boxes, assembled.

Heating, lighting, ventilation, and air-conditioning equipment. Lubricating devices.

Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.

Safety appliances and warning devices. Sides, roofs, ends, running boards, and

brake steps.
Spring rigging, snubbers and absorbers.

Tires, steel. Trucks, complete. Underframes.

Wheels, iron and steel.

Rolling mill machinery and auxiliary equipment. Scaffolds and towers, including tower cages.

Skid platforms and pallets, all metal. Soot blowers and tube cleaners, power-oper-

ated industrial and marine.

Stackers, industrial. Steam cleaning and degreasing equipment and parts, washing and cleaning equip-ment, except commercial or domestic dish and utensil washing and cleaning equipment.

Textile industries machinery as follows:

Plant-to-fiber machinery Cotton ginning machinery.

Flax scutching machinery. Fiber-to-fabric machinery.

Fabric machinery.
Bleaching, dying and finishing machines. Clothing and other fabric working machines.

Cordage and rope-working machinery.
Parts and accessories for textile industries machinery, including accessories made primarily of wood such as:

Bobbins.

Spools. Shuttles.

Picker sticks.

Tools, hand, including manual and poweroperated, but excluding professional instruments

Trucks, industrial, hand.

Trucks, power-operated, lift, platform and straddle.

Voting machines and parts.

Winches and windlasses, manually or poweroperated.

(59) Farm equipment: This term means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, and also the categories of non-mechanical equipment, attachments and parts included in the partial list of farm equipment mentioned below. The term "farm equipment" does not include automobiles. trucks, general purpose tools, hardware items, hand tools, prefabricated farm buildings, grain bins, building materials, electrical equipment (except electrically motivated farm equipment and fenco controllers) lawn mowers, sprays, or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm tractors, garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.), haying machinery (mowers, rakes, hay loaders, stackers, balers, etc.) manuro loaders; dairy farm equipment (milking machines, farm milk coolers (except mechanically refrigerated), farm cream separators, etc.), poultry farm equipment (incubators, brooders, feeders, waterers, etc.), bee keepers' equipment; agricultural spraying equipment; weed burners for farm use; barn and barnyard equipment; mechanical hog feeders; ironed singletrees, doubletrees and neck yokes; electrical fence controllers; farm water pumps and water systems; irrigation systems and equipment for farm

use; windmills; windmill generating sets; portable farm grain elevators; wood slat corn cribbing woven with wire; silos; wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay pressers, peanut pickers, potato sorters and graders, syrup evaporators, etc.) farm wagons; and at-tachments and parts for all the foregoing.

(60) Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, and stoves.

(61) Glass products, industrial, scientific and technical, which are listed below:

Electrical glassware:

Bulbs, glass portion (incandescent, fluorescent, indicator, auto lamp, radio, television, X-ray, radar and power tube). Bushings.

Capacitors.

Coll forms.

Flares (glass base portion for lighting, radio, indicator, auto lamp, television, X-ray, radar and power tube).

Industrial glassware:

Cylinders.

Flat gauge glasses.

Glass buibs. Gauge cup and oil cup glasses.

Meter and relay covers.

Miscellaneous industrial glassware which is to be further fabricated by others or which is to be incorporated as a com-ponent part of an industrial product.

Laboratory and pharmaceutical glassware:

Apparatus ware. Chemical ware.

Instrument tubing.

Laboratory apparatus tubing.

Optical glass:

Rough glass blanks for optical, opthalmic and scientific use.

Signal glassware: Airplane running lights.

Battery jars.

Explosion resisting globes.

Fresnels.
Front glasses.

Lenses.

Obstruction lights.

Optical ware (color and light filters). Roundels.

(62) Sales of acoustical building maternal products and accessories, except those products or accessories which contain or are made of metal.

(63) Sales of glass products, described as follows:

Front surfaced and semi-transparent mirrors. Glass blocks and bricks.

Laminated and safety (including automo-

bile) glass. Plate glass (all types). Rolled glass: figured, wire and heat absorb-

ing. Structural and architectural glass. Tempered glass doors.

(64) Sales of masonry, roofing, and

insulation products, described as follows: Asbestos cement products.

Asphaltic concrete and bituminous paving mixes.

Asphaltic concrete products.

Asphaltic and tarred roofing products including dry felt and roofing papers.

Building boards, laminated and pressed (pulp, fibre, paper, excelsior, etc.).

Cement (all types). Cinders.

Clay products as follows: Building brick.

Building tile.

Conduits.

Filter block. Liners.

Paving brick.

Underdrain.

Drain tile.

Floor, quarry, roofing and wall tile.
Concrete products, described as follows:
Masonry units (all size blocks, bricks, slabs).

Pipe and fittings.

Sewer pipe. Water pipe.

Culvert.

Drain and irrigation.

Posts (fence, piles, and cribbing).
Precast (stone, terrazzo, art marble, and

specialties).

Tanks (septic, water, storage, laundry,

catch basins, and greace traps).
Tile (floor, roofing, and staves).
Vaults (grave and maucoloum liners).

Concrete, read mixed.

Decorated tile board and synthetic fibre

board.

Cork products: Insulation, industrial, and natural cork specialties.

Cork composition mats and sheets not further processed.

Crushed stone (ballast, metallurgical and chemical).
Gravel (ballast, roofing, and filter)

Gypsum and gypsum products as follows:

Calcined gypsum plasters and products.

Industrial products and specialties.

Gypsum board machine products and ac-

cessories, plain and decorated. Hard density synthetic fibre boards. Insulated brick stone siding and acceptories.

Laminated boards which are combination of any of the following materials:

Gypsum board, fibre inculation board, immated fibre board, hard density board, asbestes cement board, imprognated felt bace products, and metals.

Lightweight aggregates (all types including perlite, vermiculite, blast furnace clag, clay shale material, volcanic materials, etc.).

Lime (construction, metallurgical, chemical

and refractory). Magnesite flooring materials, plain or copper-

bearing, plastic or block. Ovster shells.

Pipe and boiler insulations and cement: high and low temperature, molded or laminated, cellular or solid.

Roofing granules, synthetic. Sand, all types including aggregate and industrial.

Sand lime brick.

Slag.

Stone (rough, rubble, rip-rap, flagging, fluxing, etc.). Stucco (exterior and interior).

Thermal insulations for building and industrial purposes (rigid, semi-rigid, loose, and granulated).
Vitrified clay sewer pipe and allied products:

Channel pipe (perforated and nonperfo-

Conduit, filter block, floor tile, liner plates,

segment block, and underdrain.

Drain tile (pressed).

Fiue lining, chimney pipe and specials.

Meter boxes, septic tanks, greace traps. and wall copings.

Sewer pipe fittings and specials.

Sewer pipe, perforated and nonperforated, boll and spigot, and butt joint.

(65) Sales of trailer coaches: A trailer coach is a wheeled vehicle without motive power, with furnishings designed to provide living quarters or business ac-

commodations and which is moved by a passenger automobile or automotive truck to which it is attached by a hitch or coupling; also referred to as a house trailer or mobile home.

(66) Sales of ambulances: An ambulance is an automotive vehicle designed for the transportation of sick or injured persons.

horsepower.

(67) Sales of hearses: A hearse is an automotive vehicle designed to convey the dead to the grave.

(63) Sales of flower cars: A flower car is an open automotive vehicle designed to carry flowers in a funeral procession.

(69) Sales of motorcycles: A motorcycle is a two-wheeled automotive vehicle having one or two riding saddles and sometimes having a side car or delivery box with a third wheel. This term does not include motorized bicycles.

(70) Sales of motor scooters: A motor scooter is a two-wheeled automotive vehicle with wheels usually under ten inches in diameter and with a single cylinder engine generating under seven

(71) Sales of motorized fire equipment: Motorized fire equipment is designated as follows: Motorized fire apparatus, truck or trailer mounted, excluding all fire apparatus and fire-fighting equipment not designed and/or used for truck or trailer mounting. Excluded from this coverage are fire extinguishers, hand and portable types; fire hose and couplings; fire hooks and ladders, fire safety nets; fire pumps; fire-fighting hand tools; etc., when produced for sale and not by the manufacturer of the complete commodity for incorporation into or for use with the commodity.

(72) Sales of refractory products: "Refractory products" includes: Fireclay brick; silica brick; insulating firebrick; ladle brick; hot top brick; sleeves, nozzles and runners; high alumina brick; basic brick; special refractory brick made from silicon-carbide, kyanite, alumina, zircon, spinel, olivine or mullite; specialties such as mortars, plastic refractories and castables.

(73) Sales of fireclay, dolomite, magnesite, dead-burned dolomite, and deadburned magnesite.

(Eec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 18, 1953.

> JOSEPH H. FREEHULL. Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1750; Filed, Feb. 18, 1953; 4:50 p. m.]

[General Overriding Regulation 12, Revision 1. Amdt. 21

GOR 12-EXEMPTION OF CERTAIN FUEL PRODUCTS

SOLID FUELS AND RELATED COMMODITIES AND SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 12, Revision 1, is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment exempts from price control all solid fuels and related commodities and services not previously exempted. The nature and basis for this amendment is the same as that for GOR 12, Revision 1, issued February 12, 1953, and the statement of considerations accompanying the latter regulation is equally applicable to this amendment. In accordance with the provisions of GOR 12, Revision 1, any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

#### AMENDATORY PROVISIONS

Section 3 of the General Overriding Regulation 12, Revision 1, is amended by adding the following new paragraphs:

- (d) Sales of coal, except Pennsylvania Anthracite, delivered from mine or preparation plant, and related services, covered by CPR 3.
- (e) Sales of bituminous briquets produced at plants in or near the coal fields, and related services, covered by SR 1 to CPR 3.
- (f) Sales of Pennsylvania Anthracite delivered from mine or preparation plant, and related services, covered by CPR 4.
- (g) Sales of anthracite briquets produced at plants in the Pennsylvania anthracite field, and related services, covered by SR 1 to CPR 4.
- (h) Sales of coal sold for direct use as bunker fuel covered by CPR 21.
- Sales of solid fuels by Lake Coal Dock operators covered by CPR 27.
- Sales of solid fuels by retail coal dealers covered by GCPR and SR 2 to GCPR.
- (k) Sales of coal by tidewater coal dock dealers covered by GCPR and SR 4 to GCPR.
- (1) Sales of coal for export covered by GCPR and SR 8 to GCPR.
- (m) Sales of coke, coal chemicals, and coke oven gas, as defined in SR 13 to GCPR, covered by GCPR and SR 13 to GCPR.
- (n) Sales of coal briquets, petroleum coke briquets, and packaged fuel covered by GCPR and SR 78 to GCPR.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 12, Revision 1, shall become effective February 18, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization,

FEBRUARY 18, 1953.

[F. R. Doc. 53-1751; Filed, Feb. 18, 1953; 4:51 p. m.]

[General Overriding Regulation 14, Amdt. 40]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

EXEMPTION OF PREVIOUSLY SUSPENDED SERVICES AND ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 40 to General Overriding Regulation 14 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953 when the present legislation expires. He has stated that in the meantime, steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 14 is one of the actions in which OPS is carrying out

that instruction.

GOR 14 was issued to provide, so far as practicable, a single listing of services as to which changing conditions justified suspension or removal of price ceilings. This amendment exempts from price control all services, except laundry, linen and diaper supply and dry cleaning services; services supplied to commercial, industrial or governmental purchasers to the extent that such services are used directly in the processing or manufacturing of commodities which remain under price control; and brokerage fees and agency commissions charged for commodity or services sales which are under ceiling price control.

Warehousing, dock and terminal services and all transportation services including the rental of cars and other transportation equipment are exempted

from price control.

All services previously suspended under General Overriding Regulation 14 and Supplementary Regulation 15 to the General Ceiling Price Regulation are exempted from price control by this amendment.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment consultation with industry representatives was impracticable and unnecessary.

# AMENDATORY PROVISIONS

General Overriding Regulation 14 as amended, is further amended in the following respects:

- 1. Paragraph (a) of Section 3 is amended by adding at the end thereof the following:
- (138) All warehousing, dock and terminal services,
- (139) Transportation services including rentals of cars and other transportation equipment.
- (140) All services as to which ceiling prices have been suspended under section 4 (b) or under Supplementary Regulation 15 to the General Ceiling Price Regulation.

- (141) All other services except the following:
- (i) Laundry, linen and diaper supply, and dry cleaning.
- (ii) Services supplied to commercial, industrial or governmental purchasers to the extent that such services are used directly in the processing or manufacturing of commodities which are under ceiling price regulation.

(iii) All brokerage fees and agency commissions charged for commodity or service sales which are under ceiling price regulation.

2. The following sentence is added after the first sentence in paragraph (a) of section 3: "However, any record relating to a service exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved and made available for examination by OPS or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record."

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This Amendment 40 to General Overriding Regulation 14 shall be effective February 18, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1752; Filed, Feb. 18, 1953; 4:51 p. m.]

[General Overriding Regulation 34, Amdt. 8] GOR 34—Exemption of Certain Lumber AND WOOD PRODUCTS

GENERAL DECONTROL OF LUMBER AND WOOD PRODUCTS AND ALLIED COMMODITIES AND SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 34 is hereby issued.

### STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 34 is one of the actions by which OPS is carrying out that instruction.

GOR 34 was issued to provide a single listing of certain commodities and related services of the Lumber and Wood Products Branch of the Forest Products Division as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sollers affected, the actions removing controls

will utilize the convenient pattern already thus provided, and will be in form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control within the continental limits of the United States and its territories and possessions, all of the commodities and related services hitherto remaining subject to price control under the jurisdiction of the Lumber and Wood Products. Branch, including those which had been previously only suspended from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

# AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2 Sales of commodities and servuces exempted from price control. All lumber and wood products and allied commodities and services covered by the Forest Products Division of the Office of Price Stabilization and sold in the continental United States, and its territories and possessions such as, but not limited to, logs, lumber, veneer, containers, turned and shaped wood products, plywood, treated and untreated poles and pilings, millwork, and logging and hauling services are hereby exempted from price control.

(b) Any record, relating to a lumber, wood, or allied commodity or service exempted from price control, which you were required to have immediately prior to such exemption shall continue to be preserved and made available for exammation by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record.

2. Sections 3 and 4 are hereby deleted. (Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL. Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1753; Filed, Feb. 18, 1953; 4:51 p. m.]

# Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule Al

[Rent Regulation 2, Correction to Schedule Al

RR 1—Housing

RR 2-ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A-DEFENSE-RENTAL AREAS

WEST VIRGINIA

Effective January 22, 1953, that part of Amendment 116 to Schedule A of Rent Regulation 1 and Amendment 113 to Schedule A of Rent Regulation 2 which pertains to Item 357 (Marion-Monon-galia Counties, West Virginia, Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U.S. C. App. Sup. 1894)

Issued this 17th day of February 1953.

WILLIAM G. BARR. Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or countles in defense-rental area under regulation	Maximum rent date	Effective data of regulation
West Virginia (357) Marion-Monongalia Counties,	В	In MARION COUNTY, the city of Farmington, the towns of Grant Town and Monengalp; in MON-ONGALIA COUNTY, the city of Westover, the towns of Granville and Star City, and the unincerporated area.	Apr. 1, 1031	July 1, 1942

[F. R. Doc. 53-1700; Filed, Feb. 19, 1953; 8:51 a. m.]

# TITLE 33—NAVIGATION AND **NAVIGABLE WATERS**

Chapter II—Corps of Engineers, Department of the Army

PART 202-ANCHORAGE REGULATIONS

san francisco bay, california

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S. C. 471), paragraph (a) (7) of § 202.224 establishing and governing the use of Anchorage No. 7 (Temporary) in San Francisco Bay, is hereby amended to provide for the temporary anchorage of vessels in the easterly portion of the an-chorage for a period not to exceed 36 hours, as follows:

§ 202.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California—(a) San Francisco Bay.

(7) Anchorage No. 7 (Temporary). (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly corner of Treasure Island at a point bearing 89°, 4,135 yards, from Alcatraz Island Light; thence to points which are the following bearings and distances from Alcatraz Island Light; 73° 30' 3,100 yards; 117° 40', 2,037 yards; 122° 30', 3,730 yards; 101° 40', 4,783 yards.

(ii) That portion of this anchorage lying westerly of a line, having a bearing of 311° 30' from Pier E of the San Francisco-Oakland Bay Bridge and passing through Point Knox Light on Angel Island, is reserved for the use of vessels while undergoing examination by quarantine, customs, immigration, Coast Guard, and other Governmental authorities. Upon completion of these examinations, vessels shall promptly move out of this portion of the anchorage.

(iii) That portion of this anchorage lying easterly of the said line, having a bearing of 311° 30' from Pier E of the San Francisco-Oakland Bay Bridge, is for use of vessels undergoing examination, as in subdivision (ii) of this subparagraph, and also for use of vessels requiring a temporary anchorage. Vessels shall not remain in this portion of the anchorage for longer than 36 hours.

[Regs., Jan. 30, 1953, 800.212 (San Francisco Bay, Calif.)-ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

WM. E. BERGIN, Major General, U. S. Army, [SEAL] The Adjutant General.

[F. R. Doc. 53-1671; Filed, Feb. 19, 1953; 8:45 a. m.]

# TITLE 37—PATENTS, TRADE-- MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A-Patents

PART 3-LICENSES TO FILE APPLICATIONS FOR PATERITS IN FOREIGN COUNTRIES

PART 5-SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN Foreign Countries

Part 3 is cancelled and new Part 5, reading as follows, is established:

### SECRECY ORDERS

Sec. 5.1 Defence inspection of certain applications. 5.2 Secrecy order.

5.3 Procecution of application under secrecy order; withholding patent.

Patition for rescission of secrecy order. Permit to disclose or modification of secrecy order. 3.3

General and group permits. 5.6

5.7 Compensation.

8.3 Appeal to Secretary.

LICENSES FOR FOREIGN FILING

5.11 License for filing application in foreign country.

Petition for licence.

Petition for licence; no corresponding 5.13

U. S. application.
5.14 Patition for license; corresponding U. S. application.

5.15

Scope of licence. Effect of secrecy order. Who may use license. 5.16

5.21 Effect of medification, rescission or license.

5.22 Papers in English language.

5.23 Correspondence.

AUTHORITY: §§ 5.1 to 5.23 issued under secs. 6, 188, 66 Stat. 793, 808; 35 U.S. C. 6, 188. Interpret or apply secs. 181-187, 66 Stat. 805, 808; 35 U.S. C. 181-187.

#### SECRECY ORDERS

- § 5.1 Defense inspection of certain applications. In accordance with the provisions of 35 U.S.C., section 181, applications for patent containing subject matter the disclosure of which might be detrimental to the national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent Office by the defense agencies as so related, are made available. Such inspection must be at the Patent Office and by responsible representatives of the agency who are required to sign a dated acknowledgment of such access accepting the condition that information obtained from the inspection will be used for no other purpose than in the administration of sections 181-188 of Title 35, U.S. Code. Applications relating to atomic energy are made available to the Atomic Energy Commission as specified in § 1.14 of this chapter.
- § 5.2 Secrecy order (a) When notified by the chief officer of a defense agency that publication or disclosure of the invention by the granting of a patent would be detrimental to the national security, an order that the invention be kept secret will be issued by the Commissioner of Patents.
- (b) The secrecy order is directed to the applicant, his successors, any and all assignees, and their legal representatives; hereinafter designated as princi-
- (c) A copy of the secrecy order will be forwarded to each principal of record in the application and will be accompanied by a receipt, identifying the particular principal, to be signed and returned.
  - (d) The secrecy order is directed to the subject matter of the application. Where any other application in which a secrecy order has not been issued discloses a significant part of the subject matter of the application under secrecy order, the other application and the common subject matter should be called to the attention of the Patent Office. Such a notice may include any material such as would be urged in a petition to rescind secrecy orders on either of the applications.
  - § 5.3 Prosecution of application under secrecy order withholding patent. Unless specifically ordered otherwise, action on the application by the office and prosecution by the applicant will proceed during the time an application is under secrecy order to the point indicated in this section:
  - (a) Applications under secrecy order which come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant but unless otherwise specifically ordered by the Commissioner will not be set for hearing until the secrecy order is removed.

(b) Interferences may be declared involving an application under secrecy order but unless otherwise specifically ordered or permitted such interferences: are suspended after the approval of the preliminary statements.

(c) When the application is found to be in condition for allowance except for the secrecy order, the applicant and the agency which caused the secrecy order to be issued will be notified. This notice (which is not a notice of allowance under § 1.311 of this chapter) does not require response by the applicant and places the application in a condition of suspension until the secrecy order is removed. When the secrecy order is removed the Patent Office will issue a notice of allowance under § 1.311 of this chapter, or take such other action as may then be warranted.

§ 5.4 Petition for rescission of secrecy order (a) A petition for rescission or removal of a secrecy order may be filed by, or on behalf of, any principal affected thereby. Such petition may be in letter form, and it must be in duplicate. The petition must be accompanied by one copy of the application or an order for the same, unless a showing is made that such a copy has already been furnished, to the department or agency which caused the secrecy order to be issued.

(b) The petition must recite any and all facts that purport to render the order meffectual or futile if this is the basis of the petition. When prior publications or patents are alleged the petition must give complete data as to such publications or patents and should be accom-

panied by copies thereof.

(c) The petition must identify any contract between the Government and any of the principals, under which the subject matter of the application or any significant part thereof was developed, or to which the subject matter is otherwise related. If there is no such contract, the petition must so state.

(d) Unless based upon facts of public record, the petition must be verified.

§ 5.5 Permit to disclose or modification of secrecy order (a) Consent to disclosure, or to the filing of an application abroad, as provided in 35 U.S.C. 182, shall be made by a "permit" or "modification" of the secrecy order.

(b) Petitions for a permit or modification must fully recite the reason or purpose for the proposed disclosure. Where any proposed disclosee is known to be cleared by a defense agency to receive classified information, adequate explanation of such clearance should be made in the petition including the name of the agency or department granting the clearance and the date and degree thereof. The petition must be filed in duplicate and be accompanied by one copy of the application or an order for the same, unless a showing is made that such a copy has already been furnished to the department or agency which caused the secrecy order to be issued.

(c) In a petition for modification of a secrecy order to permit filing abroad, all countries in which it is proposed to file must be made known, as well as all attorneys, agents and others to whom the material will be consigned prior to being

lodged in the foreign patent-office. The petition should include a statement vouching for the loyalty and integrity of the proposed disclosees and where their clearance status in this or the foreign country is known all details should be

- (d) Consent to the disclosure of subject matter from one application under secrecy order may be deemed to be consent to the disclosure of common subject matter in other applications under secrecy order so long as not taken out of context in a manner disclosing material beyond the modification granted in the first application.
- (e) The permit or modification may contain conditions and limitations.
- § 5.6 General and group permits. (a) Organizations requiring consent for disclosure of applications under secrecy order to persons or organizations in connection with repeated routine operation may petition for such consent in the form of a general permit. To be successful such petitions must ordinarily recite the security clearance status of the disclosees as sufficient for the highest classification of material that may be involved.
- (b) Where identical disclosees and circumstances are involved, and consent is desired for the disclosure of each of a specific list of applications, the petitions may be joined.
- § 5.7 Compensation. Any request for compensation as provided in 35 U.S.C. 183 must not be made to the Patent Office but should be made directly to the department or agency which caused the secrecy order to be issued. Upon written request persons having a right to such information will be informed as to the department or agency which caused the secrecy order to be issued.
- § 5.8 Appeal to Secretary. Appeal to the Secretary of Commerce, as provided by 35 U.S.C. 181, from a secrecy order cannot be taken until after a petition for rescission of the secrecy order has been made and denied. Appeal must be taken within 60 days from the date of the denial, and the party appealing, as well as the department or agency which caused the order to be issued will be notified of the time and place of hearing. The appeal will be heard and decided by the Secretary or such officer or officers as he may designate.

### LICENSES FOR FOREIGN FILING

- § 5.11 License for filing application in foreign country. (a) When no secrecy order has been issued under § 5.2, a license from the Commissioner of Patents under 35 U.S.C. 184 is required before filing any application for patent or for the registration of a utility model, industrial design, or model, in a foreign country, or causing or authorizing such filing, with respect to an invention made in the United States, if:
- (1) The foreign application is to be filed or its filing caused or authorized before an application for patent is filed in the United States, or
- (2) The foreign application is to be filed, or its filing caused or authorized, prior to the expiration of six months

from the filing of the application in the United States.

(b) When there is no secrecy order in effect, a license under 35 U.S. C. 184 is not required if:

(1) The invention was not made in

the United States, or

(2) The foreign application is to be filed, or its filing caused or authorized, after the expiration of six months from the filing of the application in the United States.

(c) When a secrecy order has been issued under § 5.2, an application cannot be filed in a foreign country in any case except in accordance with § 5.5.

§ 5.12 Petition for license. Petitions for license under 35 U. S. C. 184 may be presented in letter form and should include petitioner's address, and full instructions for delivery of the requested license when it is to be delivered to other than the petitioner.

§ 5.13 Petition for license; no corresponding U. S. application. Where there is no corresponding United States application, the petition for license must be accompanied by a legible copy of the material upon which license is desired. This copy will be retained as the measure of the license granted. For assistance in the identification of the subject matter of each license so issued, it is suggested that the petition or requesting letter be submitted in duplicate and provide a title and other description of the material. The duplicate copy of the petition will be returned with the license or other action on the petition.

§ 5.14 Petition for license; corresponding U. S. application. (a) Where there is a corresponding United States application on file the petition for license must identify this application by serial number, filing date, inventor, and title, and a copy of the material upon which the license is desired is not required. The subject matter licensed will be measured by the disclosure of the United States application. Where the title is not descriptive, and the sub-

ject matter is clearly of no interest from a security standpoint, time may be saved by a short statement in the petition as to the nature of the invention.

(b) Two or more United States applications should not be referred to in the same petition for license unless they are to be combined in the foreign application, in which event the petition should so state and the identification of each United States application should be in separate paragraphs.

(c) Where the application to be filed abroad contains matter not disclosed in the United States application or applications, including the case where the combining of two or more United States applications introduces subject matter not disclosed in any of them, a copy of the application as it is to be filed in the foreign country must be furnished with the petition. If, however, all new matter in the application to be filed is readily identifiable, the new matter may be submitted in detail and the remainder by reference to the pertinent United States application or applications.

§ 5.15 Scope of license. (a) Alicense to file an application in a foreign country, when granted, includes authority to forward all duplicate and formal papers to the foreign country and to make amendments and take any action in the prosecution of the application, provided subject matter additional to that covered by the license is not involved. In those cases in which no license is required to file the foreign application, no license is required to file papers in connection with the prosecution of the foreign application not involving disclosure of additional subject matter. Any paper filed abroad following the filing of a foreign application. which involves the disclosure of additional subject matter must be separately licensed in the same manner as an application.

(b) Licenses separately granted in connection with two or more United States applications may be exercised by combining or dividing the disclosures, as desired, provided additional subject matter is not introduced.

(c) A license does not apply to acts done before the license was granted unless the patition specifically requests and describes the particular acts and the license is worded to apply to such acts.

§ 5.16 Effect of secrecy order. Any license obtained under 35 U. S. C. 184 is ineffective if the subject matter is under a secrecy order, and a secrecy order prohibits the exercise of or any further action under the license unless separately specifically authorized by a modification of the secrecy order in accordance with § 5.5.

§ 5.17 Who may use license. Licenses may be used by anyone interested in the foreign filing for or on behalf of the inventor or his assigns.

#### GENERAL

§ 5.21 Effect of modification, rescussion or license. Any consent, rescussion or license under the provisions of this part does not lessen the responsibilities of the principals in respect to any Government contract or the requirements of any other Government agency.

§ 5.22 Papers in English language. All papers submitted in connection with petitions must be in the English language, or be accompanied by an English translation and a translator's certificate as to the true, faithful and exact character of the translation.

§ 5.23 Correspondence. All correspondence in connection with this part, including petitions, should be addressed to "Commissioner of Patents (Attention Division 70), Washington 25, D. C."

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JOHN A. MARZALL, Commissioner of Patents.

Approved:

Sinclair Weeks, Secretary of Commerce.

[F. R. Doc. 53-1692; Filed, Feb. 19, 1953; 8:49 a. m.]

# **NOTICES**

# DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-34 (Sub. No. 1)]

BLOOMFIELD STEAMSHIP CO., INC., AND DIXIE CARRIERS, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in this proceeding will be held in Room 4821, Department of Commerce Building, Washington, D. C., on March 2, 1953, at 10 o'clock a. m., e. s. t., before Examiner F. J. Horan. The prehearing conference will be conducted under § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses:

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

Also, the time and place of hearing will be fixed at the prehearing confer-

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before February 26, 1953, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: February 17, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS, Secretary.

[F. R. Doc. 53-1721; Filed, Feb. 19, 1953; 8:54 a. m.]

NOTICES \*

# CIVIL AERONAUTICS BOARD

[Docket No. 4191 et al.]

WEST COAST AIRLINES, INC., ET AL., KLA-MATH FALLS-MEDFORD SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of West Coast Airlines, Inc., Docket No. 4191, United Air Lines, Inc., Docket No. 4415, and Southwest Airways Company, Docket No. 5648, for amendment of certificates of public convenience and necessity pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 3, 1953 at 10:00 a.m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 17, 1953.

[SEAL]

FRANCIS W. BROWN, Chief Examiner

[F. R. Doc. 53-1714; Filed, Feb. 19, 1953; 8:51 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Charles W Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, for construction permit; Docket No. 9964, File No. BP-7830.

The Commission having under consideration a petition filed on February 11, 1953, by Charles W Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company asking for an indefinite continuance of the hearing in this proceeding now scheduled for February 18, 1953 in Washington D.C. and

1953, in Washington, D. C., and
It appearing, that the option for lease upon applicant's proposed antenna site has expired and lessor has refused to extend it but that applicant is now in the process of locating a new antenna site and expects that adequate coverage will be afforded to the metropolitan district of Mobile based upon a preliminary examination of the new site with the use of an improved antenna system increasing the effective field; and

It further appearing, that there are no other parties to this proceeding and that counsel for the Chief of the Commission's Broadcast Bureau has waived the provisions of § 1.745 of the Commission's rules relating to practice and procedure (commonly referred to as the four-day rule)

It is ordered, This 12th day of February 1953, that the hearing in this proceeding is indefinitely continued subject to a

future order setting a definite date for hearing.

Federal Communications Commission,

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1719; Filed, Feb. 19, 1953; 8:53 a. m.]

[Docket Nos. 10272, 10273]

Brush-Moore Newspapers, Inc., and Stark Broadcasting Corp.

ORDER CONTINUING HEARING

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT-264; Stark Broadcasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT-949; for construction permits for new television stations.

The Commission having under consideration a petition filed February 9, 1953, by Stark Broadcasting Corporation, Canton, Ohio, requesting a continuance of the hearing in the above-entitled matter now scheduled for Wednesday, February 18, 1953, to "some date subsequent to April 10, 1953" and

It appearing that said requested continuance is necessitated by the illness of a 50 percent owner of the common stock of Stark Broadcasting Corporation; that all parties including the Chief, Broadcast Bureau of the Commission have consented to a grant of this petition and to the requested continuance and that no party or the public interest would be adversely affected by a grant thereof:

a grant thereof;

It is ordered, This 11th day of February 1953, that the petition of Stark Broadcasting Corporation for a continuance is granted; and the hearing in the above-entitled matter now scheduled for February 18, 1953, is continued to 10 o'clock a. m. Wednesday, April 15, 1953, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1717; Filed, Feb. 19, 1953; 8:52 a. m.]

[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Head of the Lakes Broadcasting Co., Superior, Wisconsin, Docket No. 10289, File No. BPCT-621, Red River Broadcasting Co., Inc, Duluth, Minnesota, Docket No. 10290, File No. BPCT-903; for construction permits for new television stations.

There being under consideration a joint request by the applicants for a two-week continuance of the hearing of February 17, 1953, herein, expressed in a letter of February 10, 1953, to the Examiner, copies of which will be inserted in the docket;

It appearing, that there is no opposition to the proposed continuance;

It is ordered, This 11th day of February 1953, that the hearing now scheduled for February 17, 1953, is continued to March 3, 1953, beginning at 9:00 a.m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 53-1718; Filed, Feb. 19, 1953; 8:53 a. m.]

[Docket Nos. 10335, 10378]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER POSTPONING HEARING

In the matter of The Western Union Telegraph Company, complainant, v. All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company Inc., defendants; Docket No. 10378. In the matter of The Western Union Telegraph Company, complainant, v. RCA Communications, Inc., defendant; Docket No. 10335.

The Commission, having under consideration a petition filed on February 9, 1953, by All America Cables & Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc. wherein, among other things, it is requested that the hearings in the above-entitled matter now designated for March 3, 1953, be postponed indefinitely or to a later date convenient to the Commission:

It appearing, that the aforementioned petition also requested that the Commission reconsider its action in designating the issues for consolidated hearing as a complaint proceeding and redesignate the same as an investigation into those tariff provisions of the several carriers respondent, including The Western Union Telegraph Company, covering the delivery areas of messages in and around the three so-called gateway cities of New York, Washington, D. C., and San Francisco; and that the issues in such an investigatory proceeding be changed and/or enlarged as the Commission may deem appropriate;

It further appearing, that under the Commission's rules, The Western Union Telegraph Company and RCA Communications, Inc., which have been served with copies of the above-described petition, may submit replies thereto no later than February 19, 1953, and that unless the hearing is postponed, there would remain a period of less than two weeks for Commission consideration of and action upon the aforementioned Petition before the date on which hearings are now scheduled to commence;

It further appearing, that counsel for The Western Union Telegraph Company and RCA Communications. Inc., the only other parties to the consolidated proceeding herein, have indicated no objection to the aforesaid Petition insofar as it requests the postponement of the hearing herein, while reserving all rights with respect to the other requests con-

tained in said Petition, and that the Acting Chief of the Common Carrier Bureau, Federal Communications Commission also has no objection to such postponement;

It further appearing, that when the Commission acts upon the requests contained in the above-described Petition of All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc., other than that for a postponement, it can fix a date for the hearing herein to commence, which date will be appropriate in light of the action the Commission takes on such requests;

It is ordered, This 12th day of February 1953, that the hearing herein now scheduled to start on March 3, 1953, be postponed until further order of the Commission.

Federal Communications Commission, T. J. Slowie,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1720; Filed, Feb. 19, 1953; 8:53 a.m.]

# DEPARTMENT OF THE INTERIOR Bureau of Reclamation

[Public Announcement 13]

Columbia Basin Project, Washington

SALE OF FULL-TIME FARM UNITS

JANUARY 29, 1953.

Columbia Basin Project, Washington; public announcement of the sale of full-time farm units.

#### LANDS COVERED

Section 1. Offer of farm units for sale. It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., February 17, 1953.

a. Farm units presently owned. The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

	Farm	Total	Tentative irrigable acreage			Nenimi-		
Irrigation block No.	unit No.	acreage	Total	Obes 1	Chss 2	Cpr23	eldca	Prico
	6 7 7 8 9 9 11 133 116 224 224 233 338 443 443 447 448	87.3 82.2 95.0 78.3 142.0 194.1 95.1 77.1 88.8 100.9 111.3 68.7 85.1 74.3 159.9 100.8	78.87 68.77 89.90 702.02 702.41 86.97 81.77 100.14 81.77 63.14 64.00 64.00 66.4	1.5 0.4 8.4 7.8 40.4 62.2 25.4 34.4 21.2 19.0 41.9	78.82 77.28 84.84 44.00 61.55 61.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47 64.47	51 16.2 57.1 12.6 12.6 20.3 0.2 1.3 11.4 6.7 4.1 16.5 18.6	8.5 13.5 5.1 5.1 7.7 14.1 10.1 10.1 10.0 10.0 10.0 10.0 10.0	88784703000880988899 201114543455688548899 244464444444656666

b. Additional farm units. It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in Irrigation Blocks 40, 41, 42, and 49. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditors of Grant County, Adams County, and Franklin County, at Ephrata, Lind, and Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

Sec. 2. Limit of acreage which may be purchased. The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region I, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their chil-

dren under 18 years of age, or all of such children if both parents are dead.

# PREFERENCE OF APPLICATITS

SEC. 3. Nature of preference. A preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., February 17, 1953, and ending at 2 p. m., April 3, 1953, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (30) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or dis-

ability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7c of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

Sec. 4. Definition of honorable discharge. An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

# QUALIFICATIONS REQUIRED OF PURCHASERS

Sec. 5. Examining board. An examining board of four members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

Sec. 6. Minimum qualifications. Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required

minimum. The minimum qualifications are as follows:

a. Character and industry. An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. Farm experience. Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of fulltime farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaming the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. Health. An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. Capital. An applicant must possess assets worth at least \$4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than \$500 or a passenger car at more than \$500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

Sec. 7. Other qualifications required. Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife of a minor child who is obligated to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

Sec. 8. Filing application blanks. Any person desiring to purchase a farm unit offered for sale by this announcement must fill-out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

# SELECTION OF QUALIFIED APPLICANTS

Sec. 9. Priority of applications. All applications will be classified for priority purposes as follows:

a. First priority group. All complete applications filed prior to 2 p. m., April 3, 1953, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. Second priority group. All complete applications filed prior to 2 p. m., April 3, 1953, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. Third group. All complete applications filed after 2 p. m., April 3, 1953. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

Sec. 10. Public drawing. After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9a of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

Sec. 11. Submission of evidence of qualification. After the drawing, a sufficient number of applicants, in the or-

der of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

Sec. 12. Examination and interview. After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will-be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1. Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or. in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an oppor-

tunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

#### SELECTION OF FARM UNITS

SEC. 13. Order of selection. The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right m writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective. but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

Sec. 14. Failure to select. If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and hus name shall be placed last in that group.

#### PURCHASE OF SELECTED UNIT

Sec. 15: Execution of purchase contract. When a farm unit is selected by an applicant as provided in section 13 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

Sec. 16. Terms of sale. Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. Down payment. An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. Schedule for payment of balance; interest rate. If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three per cent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before. their due dates at the purchaser's option.

c. Development requirements. In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops there-

after, the following percentages of irrigable land as tentatively or finally classified:

Percentage of land classified tentatively or finally as irrigable to be developed by and of each year. (Period will begin with year of purchase if contract is excented and water is available on or before fin irrigable acres from will begin with the next calendar year.)

Second Third Fourth Fifth year year year

10 to 40. 75 year year

10 to 60. 60 75 75 76

61 to 60. 60 65 75 75

81 to 160. 60 65 75

d. Residence requirements. A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. Speculation and landholding limitations. Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land: (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

1018 NOTICES

f. Copies of contract form. The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

#### IRRIGATION CHARGES

Sec. 17. Water rental charges. During the irrigation season of 1954, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. Development period charges. Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the three rrrigation districts in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1955 for Irrigation Block 12. During the development period, water rental charges will average an estimated \$5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to yary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections,

SEC. 19. Construction period repayment charges—a. Operation and maintenance charges. After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation

blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation district in which the land is located. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. Construction charges. The contract between the United States and the irrigation districts requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be \$2.12 per year. Thus, the total construction charge payment will average \$85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed \$280,-782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

> Vernon D. Northrop, - Under Secretary of the Interior

[F. R. Doc. 53-1575; Filed, Feb. 19, 1953; 8:45 a.m.]

# ECONOMIC STABILIZATION AGENCY

# Office of Price Stabilization

[Region II, Redelegation of Authority 1, Revision 1, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 2 (18 F. R. 706) this Amendment 2 to Redelegation of Authority No. 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act under section 39 of Ceiling Price Regulation 7, as amended. This amendment is effective February 17, 1953.

James G. Lyons, Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1701; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 24, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PUR-SUANT TO SECTION 91 OF CPR 117, RE-VISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 52, Revision 1, Amendment 1 (18 F. R. 747), this Redelegation of Authority No. 24, Revision 1. Amendment 1, is hereby issued.

Redelegation of Authority 24, Revision 1, section 1, is amended to read as follows:

SECTION 1. Authority to act under sections 36, 53, and 91 of CPR 117, Revision 1. Authority is hereby redelegated to the Directors of the District Office of Price Stabilization of Region II to act, by order, on all applications under the provisions of sections 36, 53 and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Redelegation of Authority No. 24, Revision 1, shall be effective February 17, 1953.

JAMES G. LYONS, Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1702; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 55]
DIRECTORS OF DISTRICT OFFICES, REGION
II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 88 (18 F.R. 613) this Redelegation of Authority No. 55, is hereby issued.

1. Authority to act under section 5 of GOR 40. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by this Regional Office.

This Redelegation of Authority No. 55 shall be effective February 17, 1953.

JAMES G. LYONS, Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1703; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 56]
DIRECTORS OF DISTRICT OFFICES, REGION
II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 65, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 81, Revision 1 '(18 F R. 640) this Redelegation of Authority No. 56 is hereby issued.

Authority to act under section 4 (d) of Ceiling Price Regulation 65, as amended, 1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to receive and process applications for the establishment of ceiling prices pursuant to section 4 (d) of CPR 65, as amended, and to approve or disapprove ceiling prices proposed by applicants, to establish different ceiling prices, to request further information concerning the applications, and to amend, modify or revoke any order issued pursuant to this redelegation of authority.

This Redelegation of Authority No. 56 shall be effective February 17, 1953.

James G. Lyons, Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1704; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region III, Redelegation of Authority 1, Revision 2, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 2 (18 F. R. 706) this amendment to Redelegation of Authority No. 1, Revision 2, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 2, is amended to read as follows:

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region III to act under section 39 of Ceiling Price Regulation 7, as amended.

This amendment to Redelegation of Authority No. 1, Revision 2, shall take effect as of February 9, 1953.

JOSEPH J. McBryan, . Director of Regional Office No. III.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1705; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region III, Redelegation of Authority 55]
DIRECTORS OF DISTRICT OFFICES, REGION
III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 88 (18 F. R. 613) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by the Regional Office.

This redelegation of authority shall take effect as of February 10, 1953.

JOSEPH J. McBryan, Director of Regional Office No. III.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1706; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region V, Redelegation of Authority 22, Amdt. 2]

Directors of District Offices, Region V, Atlanta, Ga.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS ALIENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V Atlanta, Georgia, pursuant to Delegation of Authority 5, Revision 1, Amendment 2, (18 F R. 706) this Amendment 2 to Redelegation of Authority No. 22 is hereby issued.

Paragraph 1 of Redelegation of Authority No. 22, as amended by Amendment 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act under section 39 of CPR 7, as amended.

This Amendment 2 to Redelegation of Authority No. 22 shall take effect as of on February 6, 1953.

> G. ELLIOTT HAGAN, Acting Director of Regional Office V

FEBRUARY 17, 1953.

[F. R. Doc. 53-1707; Filed, Feb. 17, 1953; 4:25 p. m.]

[Région V, Redelegation of Authority 24, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICE ADJUST--MENTS PURSUANT TO SECTION 91 OF CPR 117, REV. 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 52, Revision 1, as amended (17 F. R. 5613; 18 F. R. 747) this Amendment 1 to Redelegation of Authority No. 24, Revision 1, is hereby issued.

Redelegation of Authority No. 24, Revision 1, section 1, is amended to read as follows:

Section 1. To act, by order, on all applications under the provisions of sections 36, 53, and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Redelegation of Authority No. 24, Revision 1, shall take effect as of February 10, 1953.

G. ELLIOTT HAGAN; Acting Director of Regional Office V February 17, 1953.

[F. R. Doc. 53-1703; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region V, Redelegation of Authority 60]
DIRECTORS OF DISTRICT OFFICES, REGION V,
ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40—ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V Atlanta, Georgia, pursuant to Delegation of Authority 88 (18 F. R. 613) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jackson-ville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office to this Regional Office and by this Regional Office to said District Offices.

This redelegation of authority shall take effect as of February 5, 1953.

CHARLES B. CLEMENT,
Director of Regional Office V

FEDRUARY 17, 1953.

[F. R. Doc. 53-1709; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region X, Redelegation of Authority 1, Revision 1, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 5, Revision 1, Amendment 2 (18 F. R. 706) this Amendment 2 to Region X Redelegation of Authority No. 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act under section 39 of Ceiling Price Regulation 7, as amended. This Amendment 2 to Redelegation of Authority No. 1 shall take effect as of February 9, 1953.

B. FRANK WHITE, Director of Regional Office No. X.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1710; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region XI, Redelegation of Authority 27, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7 AS AMENDED, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 5, Revision 1 (17 F R. 98) and Amendment 2 thereto (18 F R. 706) this Revision 1 to Redelegation of Authority No. 27 as amended is hereby issued.

1. Authority to act under Section 39 of CPR 7 Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to act under section 39 of Ceiling Price Regulation 7, as amended.

This revision of Redelegation of Authority 27 shall take effect as of February 6, 1953.

DELBERT M. DRAPER, Regional Director

FEBRUARY 17, 1953.

[F. R. Doc. 53-1711; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region XIII, Redelegation of Authority 1, Revision 3]

Directors of District Offices, Region XIII, Seattle, Wash.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 5, Revision 1, as amended (18 F R. 706) this Revision to Redelegation of Authority No. 1, Revision 2 is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to act under section 39 of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall become effective as of February 13, 1953.

HAROLD WALSH, Regional Director Region XIII, Office of Price Stabilization.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1712; Filed, Feb. 17, 1953; 4:25 p. m.] [Region XIII, Redelegation of Authority 46]
DIRECTORS OF DISTRICT OFFICES, REGION
XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 88 (18 F R. 613) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to act in-accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by the Regional Office.

This redelegation of authority shall become effective as of February 12, 1953.

HAROLD WALSH,
Regional Director Region XIII,
Office of Price Stabilization.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1713; Filed, Feb. 17, 1953; 4:25 p. m.]

[Ceiling Price Regulation 9, Supplementary Regulation 3 Special Order No. 15]

WEMBLEY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of neckwear manufactured by Wembley, Inc., under the trade names "Wembley" and "Wembley Nor-East" in Alaska, Hawaii, and the Virgin Islands, on the basis of an application filed by Wembley, Inc. under Sup-plementary Regulation 3 to Ceiling Price Regulation 9, Revision 1. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale, in a territory or possession, of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 9.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV

Special propisions. For the reasons set forth in the Statement of Considerations and pursuant to Supplementary Regulation 3 to Ceiling Price Regulation 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territories of Alaska,

Hawaii, and the Virgin Islands of neckwear manufactured by Wembley, Inc., New Orleans 5, Louisiana, bearing the brand name "Wembley" and "Wembley Nor-East" are the retail prices listed in the application of Wembley, Inc., dated December 10, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than March 2, 1953, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than coiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the twomonth period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles 'of cost listed in column 1
\$per{unit. dozen otc.	. Terms net. Forms foto.

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

# OPS—CPR 9, SR-3 Ceiling Price \$\_\_\_\_\_

- 4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article either by him, by the wholesaler, or by the manufacturer.
- 5. The applicant must file within 45 days of the expiration of the first sixmonth period following the effective date

of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on February 13, 1953.

Edward J. Friedlander, Regional Director.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1604; Filed, Feb. 13, 1953; 11:16 a. m.]

[Ceiling Price Regulation 34, As Amended, Section 20 (c), Special Order 21, Amdt. 1]

CROWN ZELLERBACH CORP.

CLARIFICATION AND ADDITION OF LOGGING CONTRACTORS

Statement of considerations. This amendment clarifies the amount of the adjustment granted by Special Order 21 to the logging contractors named therem. It also adds to Special Order 21 the names of seven logging contractors supplying logging services to the Crown Zellerbach Corporation.

Simultaneously with the Issuance of Special Order 21, the Office of Price Stabilization Issued Special Order 22 which also granted a retroactive ceiling price adjustment to logging contractors doing business with the Crown Zellerbach Corporation. Some of the logging contractors receiving the adjustment authorized by Special Order 21 also received the adjustment authorized by Special Order 22; other logging contractors named in Special Order 21 were not named in Special Order 22. Accordingly, to harmonize the adjustments granted to these groups by Special Orders 21 and 22, the language of Special Order 21 is clarified by this amendment.

The reasons stated in the Statement of Considerations to Special Order 21 for the granting of the adjustment in the ceiling prices for logging services supplied to Crown Zellerbach by the logging contractors named in the Order are equally applicable to the logging contractors named in this amendment.

Amendatory provisions. Special Order 21 is amended as follows:

1. So much of Paragraph (a) of the section entitled "Special Provisions" which reads "The ceiling prices for fogging services supplied to Crown Zellerbach Corporation, Portland, Oregon, by the following logging contractors shall be increased by 2.42 percent over the ceiling prices under CPR 34 or Special Order 22 thereunder:" is changed to read as follows:

The ceiling prices established under CPR 34 by the following logging contractors for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, may be increased by 5.22 percent, subject to the limitation that those

logging contractors named both in this Special Order and in Special Order 22 may increase their ceiling prices as adjusted under Special Order 22 by only 2.42 percent:

2. The names of the following logging contractors are added to the list of names set forth in paragraph (a) of the section entitled "Special Provisions".

Wilfred W. Merry, Molalia, Oreg. W. D. Gresham, Molalia, Oreg. W. A. Parmer, Route 1, Rainier, Oreg. Frank E. Serafin, Vernonia, Oreg. Sam C. Devine, Mist Route, Vernonia, Oreg. H. C. Owens, Rainier, Oreg. Wm. L. Roberts, Rainier, Oreg.

Effective date. This order shall become effective February 12, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1606; Filed, Feb. 13, 1953; 11:17 a. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 27]

GENERAL MOTORS CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED FEBRUARY 2, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to flat rate time allowances for 1953 Model Accessories Bulletin C-1 of General Motors for approval for flat rate time allowance.

The Director of Price Stabilization has determined from the data submitted by General Motors Corporation approval of flat rate time allowances for 1953 Model Accessories Bulletin C-1 that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of flat rate time allowances for 1953 Model Accessories Bulletin C-1 dated February 2, 1953 as covered in the General Motors application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 13, 1953 by Special Order No. 27 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 13, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1605; Filed, Feb. 13, 1953; 11:17 a.m.]

# FEDERAL POWER COMMISSION

[Decket Nos. E-6337, E-6340, E-6370, IT-5971, IT-6056]

DEPARTMENT OF THE INTERIOR AND SOUTH-WESTERN POWER ADMINISTRATION

NOTICE OF ORDER EXTENDING DATE OF EXPIRATION

FEBRUARY 16, 1953.

In the matters of Department of the Interior and Southwestern Power Administration; Docket Nos. IT-5971, IT-6056, E-6337, E-6340 and E-6370.

Notice is hereby given that on February 13, 1953, the Federal Power Commission issued its order entered February 13, 1953, in the above-entitled matters, extending confirmation and approval of rate schedules, which expire February 13, 1953, be and the same are hereby extended for a period of sixty (60) days from the present date of expiration of each such order.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1633; Filed, Feb. 19, 1953; 8:48 a. m.]

[Docket No. G-1277, G-2015, G-2114]

TRANSCONTINENTAL GAS PIPE LINE CORP.
ET AL.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 12, 1953.

In the matters of Transcontinental Gas Pipe Line Corporation, Mid-Georgia Natural Gas Co., City of Covington, Georgia, Docket No. G-1277; Docket No. G-2015; Docket No. G-2114.

On July 28, 1952, Mid-Georgia Natural Gas Co. (Applicant a Georgia corporation having its principal place of business in Atlanta, Georgia, filed an application and supplements thereto on October 27, 1952, and January 12, 1953, for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a town-border station located on Transcontinental Gas Pipe Line Corporation's (Transcontinental) main line which passes between Conyers and Porterdale, Georgia, and pipe lines which will extend from such border station through the several Georgia communities to be served, namely Conyers, Porterdale, Covington, and Oxford, and their environs, all as more fully described in the application on file with the Commission and open to public inspection.

Notice of filing of the application has been given, including publication in the Federal Register on August 15, 1952 (17 F. R. 7439).

On December 9, 1952, Transcontinental, a Delaware corporation having its principal place of business at Houston, Texas, filed a "Petition For Amendment of Order Issuing Certificate of Public Convenience and Necessity" by which it requests the Commission to amend its order issued April 28, 1950, accompanying Opinion No. 191 in Docket No. G-

1277, whereby the Commission authorized Transcontinental to sell and deliver to Newton County Gas Company 1,876 Mcf of natural gas per day by substituting the name of the Mid-Georgia Gas Company for Newton County Gas Company to assure continued deliveries of natural gas to the area served by Mid-Georgia's predecessor, Newton County Gas Company, all as more fully described its petition on file with the Commission and open to public inspection.

Notice of filing of the petition has been given including publication in the Federal Register on January 15, 1953 (18 F. R. 339) Transcontinental has requested that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

On January 22, 1952, the City of Covington, Georgia (Applicant) a municipal corporation organized and existing by virtue of the laws of the State of Georgia, filed an application for an order pursuant to Section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with Applicant's proposed natural-gas distribution system and to sell natural gas to Applicant for local distribution in the community of Covington and in the adjacent area thereto, all as more fully described in the application on file with the Commission and open to public inspection.

In its application, the City of Covington asserts that the franchises held by the Newton County Gas Co., which were executed by Covington and Oxford in favor of the aforementioned company, were conditioned upon that company's commencing construction within one year from the date that natural gas was made available to it by Transcontinental. Due to the failure of Newton County Gas Co.'s failure to comply with said condition, the City of Covington states that the franchises have expired and will not be renewed.

Notice of the filing of the application has been given, including publication in the Federal Register, on February 6, 1953 (18 F R. 778)

On August 28, 1952, and January 22, 1953, petitions to intervene were filed by the Cities of Covington and Oxford, Georgia, in Docket Nos. G-1277 and G-2015. By orders adopted January 27, 1953 and February 10, 1953, the Cities of Covington and Oxford, Georgia were permitted to intervene in Docket Nos. G-1277 and G-2015.

The Commission finds:

- (1) Good cause has not been shown for granting Transcontinental's request that its petition be heard under the shortened procedure as provided by the Commission's rules of practice and procedure.
- (2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the proceedings in Docket Nos. G-1277, limited to Transcontinental's petition to amend, G-2015, and G-2114, be consolidated for purpose of hearing.

The Commission orders:

- (A) The request made by Transcontinental Gas Pipe Line Corporation that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.
- (B) The proceedings upon Trancontinental's petition to amend in Docket No. G-1277, and in Docket Nos. G-2015 and G-2114 be and the same hereby are consolidated for purpose of hearing.
- (C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 9, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the petition and applications herein.
- (C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 16, 1953. By the Commission.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-1685; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS Co.

NOTICE OF ORDER EXTENDING DATE FOR COM-PLETION OF FACILITIES FOR NATURAL GAS SERVICE TO CHILDERSBURG, ALA.

FEBRUARY 16, 1953.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February 12, 1953, amending order of May 18, 1950 (15 F. R. 3296) as amended by order of October 30, 1951 (16 F. R. 11315) issuing certificate of public convenience and necessity in the above-entitled matter by extending to January 1, 1954, the date for completion of facilities for natural gas service to Childersburg, Alahama.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1680; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G-1435]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING DATE FOR COM-PLETION OF FACILITIES FOR NATURAL GAS SERVICE TO HOKES BLUFF, ALA.

FEBRUARY 16, 1953.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February

12, 1953, amending order of March 15, 1951 (16 F R. 2666), as amended by order of October 30, 1951 (16 F. R. 11315) issuing certificate of public convenience and necessity in the above-entitled matter by extending to December 31, 1953, the date for completion of facilities for natural gas service to Hokes Bluff, Alabama.

[SEAL]

Leon M. Fuguay, Secretary.

[F. R. Doc. 53-1681; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G-1814]

NORTHEASTERN GAS TRANSMISSION Co.

NOTICE OF ORDER ALLOWING TARIFF SHEETS TO TAKE EFFECT AND TERMINATING PRO-CEEDINGS

FEBRUARY 16, 1953.

Notice is hereby given that on February 13, 1953, the Federal Power Commission issued its order-entered February 12, 1953, allowing tariff sheets to take effect, and terminating proceedings in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary,

[F. R. Doc. 53-1682; Filed, Feb. 19, 1953; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

FEBRUARY 16, 1953.

Notice is hereby given that on November 21, 1952, the Federal Power Commission issued its order entered November 18, 1952, further amending licenso (Major) in the above-entitled matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-1684; Filed, Feb. 19, 1953; 8:48 a. m.]

[Project No. 2096]

BIG HORN CANYON IRRIGATION AND POWER CO.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 13, 1953.

Notice is hereby given that the hearing in the above-designated matter, now scheduled for February 24, 1953, be and it is hereby continued to April 28, 1953, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1679; Filed, Feb. 19, 1953; 8:47 a. m.]

# HOUSING AND HOME FINANCE AGENCY

# **Public Housing Administration**

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTION OF AGENCY AND PROGRAMS

Section IV Special delegations of authority, is amended as follows:

Effective December 8, 1952, paragraph f delegating authority to Arthur B. Howell, Realty Officer, San Diego, California, to dispose of Linda Vista Project Cal-4092, is hereby revoked.

Date approved: February 11, 1953.
[SEAL] JOHN TAYLOR EGAN,
Commissioner

[F. R. Doc. 53-1677; Filed, Feb. 19, 1953; 8:46 a. m.]

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTIONS OF AGENCY AND PROGRAMS

Section IV Special delegations of authority, is amended as follows:

Paragraph f is added to section IV, as follows:

- f. In connection with the disposition of projects listed below, Leo I. O'Brien, Realty Officer, San Diego, California, is hereby delegated the authority (to be held concurrently with the authority previously delegated to the San Francisco Field Office Director) to exercise all the functions of a supervising or contracting officer with respect to all contracts for professional services, planning and construction of improvements, subdivision maps, deeds, permits, easements, lease agreements, disposition, sales and other similar pertinent documents, and to execute on behalf of the PHA.
- (a) Contracts of sale, removal or demolition, deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies)
- (b) Lease cancellations, revisions, and settlements;
- (c) Dedications, licenses, permits, and easements:
- (d) Contracts with brokers, or others for management and disposition;
- (e) Contracts for the services of suryeyors and appraisers;
- (f) Contracts for advertisements in connection with the disposition of the project or any part thereof; and
- (g) All documents necessary to accomplish the transfer, relinquishment, sale, or other disposition of the project or any part thereof including its annexation by a political subdivision.

Cal-4040N	San Diego.
Cal-4092	
Cal-4095B	
Cal-4096	
Cal-4097	
Cal-4099	
Cal-4151	
Cal-4251	Do.
Cal-4252	
Cal-4253	
Cal-4254	Do.
Cal-4255	Do.
Cal-4256	
Cal-4257	Do.

Cal-4258	National City.
Cal-4259	Chula Vista.
Cal-4461	
Cal-4462	National City.
Cal-4491	
Cal-4663	
Cal-4677	
Cal-4678	
Cal-4679	
Cal-4700	
Cal-4735	
Cal-4737	
Cal-4738	Do.
Cal-4738Cal-4782	Do. Do.
Cal-4738 Cal-4782 Cal-4797	Do. Do. Do.
Cal-4738	Do. Do. Do. Do.
Cal-4738	Do. Do. Do. Do. Oceanside.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4853	Do. Do. Do. Do. Oceanside. Do.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4901N	Do. Do. Do. Do. Oceanside. Do. Coronado.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4853 Cal-4901N Cal-4902N	Do. Do. Do. Do. Oceanside. Do. Coronado.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4853 Cal-4901N Cal-4902N Cal-4917N	Do. Do. Do. Do. Oceanside. Do. Coronado. San Diego. Do.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4853 Cal-4901N Cal-4902N Cal-4917N	Do. Do. Do. Do. Oceanside. Do. Coronado. San Diego. Do. Fallbrook.
Cal-4738 Cal-4782 Cal-4797 Cal-4798 Cal-4852 Cal-4853 Cal-4901N Cal-4902N Cal-4917N	Do. Do. Do. Do. Do. Cocanside. Do. Coronado. San Diego. Do. Fallbrook. San Diego.

Date approved: February 11, 1953.

[SEAL] JOHN TAYLOR EGAN,

Commissioner.

[F. R. Doc. 53-1678; Filed, Feb. 19, 1953; 8:46 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2987]

NIAGARA MOHAWK POWER CORP.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF COMMON STOCK AT COM-PETITIVE BIDDING

FEBRUARY 16, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk") a public utility company and an exempt holding company, of which The United Corporation, a registered holding company, owned, as of January 15, 1953, 9.48 percent of the outstanding voting securities, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Niagara Mohawk, pursuant to the competitive bidding requirements of Rule U-50, of \$25,000,000 principal amount of General Mortgage Bonds, \_\_percent Series, due February 1983 and 1,000,000 shares of its common capital stock without par value; and

The Commission having, by order dated February 9, 1953, granted said application, as amended, subject to the conditions, among others, that the proposed sale of bonds and common stock shall not be consummated until the results of competitive bidding and a final order of the Public Service Commission of the State of New York approving the issue and sale of said bonds and stock shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed

transactions; and
Niagara Mohawk having on February
16, 1953, filed a further amendment to
said application in which it is stated that
it has offered the common stock for sale
pursuant to the competitive bidding re-

quirements of Rule U-50 and has received the following bids:

COMMON STOCK	Price per share to	
Bidding group	Niagara	
headed by:	Mohawk	
Merrill Lynch, Pierce, Fenner	Ez	
Beane		
Morgan Stanley & Co		

The amendment further stating Niagara Mohawk has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane for the common stock as set forth above and that the common stock will be offered to the public at a price of \$27.50 per share, resulting in an underwriters' spread of \$0.561 per share; and

The Public Service Commission of the State of New York having entered its Order dated February 5, 1953, approving the issue and sale of the common stock subject to conditions subsequent which have been satisfied, and the record not having been completed with respect to the fees and expenses to be incurred in connection with the proposed sale of common stock, which under the order of the State Commission may not exceed \$115,000 for the common stock; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the common stock, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said common stock be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over the results of competitive bidding with respect to the bonds be, and hereby is, continued.

It is further ordered, That jurisdiction heretofore reserved over the payment of all fees and expenses be, and hereby is, continued.

By the Commission,

[F. R. Dec. 53-1639; Filed, Feb. 19, 1953; 8:51 a. m.]

# GENERAL SERVICES ADMIN-ISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF ALABAMA POWER CO. FOR AUTHORITY TO INCREASE ELECTRIC NATES

Application of Alabama Power Company for authority to increase electric rates, Alabama Public Service Commission; Docket Nos. 13260 and 13263.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as

amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Alabama Power Company for Authority to Increase Electric Rates, Docket Nos. 13260 and 13263, before the Alabama Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: February 17, 1953.

Russell Forbes, Acting Administrator

[F. R. Doc. 53-1736; Filed, Feb. 18, 1953; 2:56 p. m.]

# DEPARTMENT OF JUSTICE

# Office of Alien Property

[Vesting Order 19180]

A. W FABER-CASTELL BLEISTIFTFABRIK A. G. AND BLEISTIFTFABRIK VORM. JOHANN FABER A. G.

In re: Debts due A. W Faber-Castell Bleistiftfabrik A. G. and Bleistiftfabrik vorm. Johann Faber A. G.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That A. W Faber Castell-Bleistift-fabrik A. G. of Germany, also known as A. W Faber-Castell Bleistiftfabrik, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That Bleistiftfabrik vorm. Johann Faber A. G., of Germany is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

3. That the property described as follows:

(a) That certain debt or other obligation of A. W Faber-Castell Pencil Company, Inc. (formerly A. W Faber, Inc.)

of Newark, New Jersey, to A. W Faber-Castell-Bleistiftfabrik A. G. (or A. W Faber-Castell Bleistiftfabrik) consisting of all unpaid momes or commissions which accrued prior to January 1, 1947 on account of the export by A. W Faber-Castell Pencil Company, Inc. (formerly A. W. Faber, Inc.) of erasers, rubber bands or other items,

(b) All other debts, obligations or monies, if any, which accrued prior to January 1, 1947 and are due and owing by A. W Faber-Castell Pencil Co., Inc. (formerly A. W Faber, Inc.) of Newark, New Jersey, to A. W Faber-Castell Bleistiftfabrik A. G. (or A. W Faber-Castell Bleistiftfabrik) or Bleistiftfabrik vorm. Johann Faber, A. G.,

is, to the extent not heretofore vested, property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by A. W Faber Castell-Bleistiftfabrik A. G. (or A. W Faber-Castell Bleistiftfabrik) or Bleistiftfabrik, vorm Johann Faber A. G., the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,

Assistant Attorney General,

Director Office of Alien Property.

[F. R. Doc. 53-1696; Filed, Feb. 19, 1953; 8:50 a. m.]

[Vesting Order 17607, Amdt.]

Union Bank of Switzerland

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich)

Vesting Order 17607, dated March 30, 1951, is hereby amended as follows and not otherwise: By adding to column III of Exhibit A attached thereto and by reference made a part thereof opposite

item No. 7 appearing in column I of said Exhibit A the following:

One \$1,000 Republic of Chile External Sinking Fund Dollar Bond dated January 1, 1948, due December 31, 1993, No. 90762, which, according to the information submitted by the J. Henry Schroder Banking Corporation in its report on Form OAP-700 bearing its scrial No. 17 and in its letter of July 9, 1951, is the property of persons residing in Hungary.

All other provisions of said Vesting Order 17607 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 16, 1953.

For the Attorney General.

[SEAL]

PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1697; Filed, Feb. 19, 1953; 8:50-a. m.]

# INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27805]

Iron and Steel Articles From Middletown, Ohio, to New Orleans, La.

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4527, pursuant to fourth-section order No. 16101.

Commodities involved: Iron or steel articles, carloads.

From: Middletown, Ohio.

To: New Orleans, La.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subse-

By the Commission.

[seal]

George W Laird, Acting Secretary.

[F. R. Doc. 53-1673; Filed, Feb. 19, 1953; 8:45 a. m.]

[4th Sec. Application 27806]

BARN EQUIPMENT FROM HARVARD, ILL., TO ALBANY, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff L. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Barn equipment, viz: door hangers and parts, hay carriers, pulleys, tracks, stable and manger supplies and equipment, mixed carloads.

From: Harvard, Ill. To: Albany, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Actina Secretary.

8:45 a. m.1

[4th Sec. Application 27297]

MOTOR FUEL FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO DELAWARE, NEW JERSEY, AND PENNSYLVANIA

#### APPLICATION FOR RELIEP

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P Emerson, Jr.'s tariff I. C. C. No. 413.

Commodities involved: Motor fuel anti-knock compounds, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Claymont, Del., Jersey City, N. J., Philadelphia, Pa., and other named Delaware, New Jersey, and Pennsylvania points.

Grounds for relief: Competition with rail and water carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, m its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Acting Secretary.

8:46 a. m.1

[4th Sec. Application 27803]

SAND FROM VINCENNES, IND., TO ERNST AND WEST UNION, ILL.

#### APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to the schedule listed below.

Commodities involved: Sand, other than blast, etc., carloads.

From: Vincennes, Ind.

To: Ernst and West Union, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 1193, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period. may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Acting Secretary.

[F. R. Doc. 53-1674; Filed, Feb. 19, 1953; [F. R. Doc. 53-1675; Filed, Feb. 19, 1953; [F. R. Doc. 53-1676; Filed, Feb. 19, 1953; 8:46 a. m.1